

# A G E N D A

DATE: FEBRUARY 3, 1997  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN BILL HAMIT
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 22 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing the Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with The Stark County Regional Planning Commission for Housing Rehabilitation Technical Assistance for the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 23 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., providing for the adoption of a project which will occupy a facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 24 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Alfred Nickles Bakery, Inc., providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 25 - 1997

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the said City may require for use of its several departments for a new one (1) year period, and declaring an emergency.

ORDINANCE NO. 26 - 1997

BY: FINANCE COMMITTEE and POLICE & FIRE COMM

AN ORDINANCE authorizing the Mayor to accept a federal grant under the Omnibus Appropriations Act of 1996 for use by the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 27 - 1997

BY: FINANCE COMMITTEE

AN ORDINANCE establishing a fund entitled "Local Law Block Grant Fund", creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 28 - 1997

BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 1997 appropriation from within the General Fund, Capital Improvement Fund, Park and Rec Fund and the Park and Rec Capital Improvement Fund to the Wastewater Treatment Fund, of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 29 - 1997

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Community Development Block Grant Program Fund, Municipal Golf Course Fund, General Fund, Park and Rec Capital Improvement Fund, Swimming Pool Fund and the Park and Rec Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 30 - 1997

- MASSILLON HOSPITAL SALE

BY: LEGISLATIVE

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM AUDITOR, DOLORIS LOOMIS REGARDING MOTEL TAX.

FEBRUARY 3, 1997

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS
  - A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 1997
  - B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 1997
  - C). CLERK OF COURTS SUBMITS YEARLY REPORT FOR 1996
  - D). LAW DIRECTOR SUBMITS YEARLY REPORT FOR 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

DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with The Stark County Regional Planning Commission for Housing Rehabilitation Technical Assistance for 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:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with The Stark County Regional Planning Commission for Housing Rehabilitation Technical Assistance for the City of Massillon. The contract for services shall not exceed Thirteen Thousand Dollars (\$13,000.00).

Section 2:

The Mayor and Director of Public Service and Safety of the City of Massillon be and is hereby authorized to enter into a contract agreement with The Stark County Regional Planning Commission for Housing Rehabilitation Technical Assistance for the City of Massillon, Ohio.

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 needed to assist the City of Massillon in its Housing Rehabilitation 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 \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 1997

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., providing for the adoption of a project which will occupy a facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., is desirous of investing \$280,000 to acquire and renovate the buildings located at 1115-1125 Industrial Avenue S.W., located within the Enterprise Zone and to purchase new machinery and equipment; and

WHEREAS, the Council of the City of Massillon, Ohio (hereinafter "Council") by Ordinance No. 163 - 1994 adopted a July 18, 1994, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, The City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., with the incentives available for development of the Project in the said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon, and

WHEREAS, the project site is located in the Tuslaw Local School District and Drag Joint Vocational School District and the Board of Education has been notified in accordance with Section 5709.83 and been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Canton Fabricators, Inc., dba R.J. Breinings & Sons, Inc., providing for the adoption of a project which establishes a facility and creates employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Canton Fabricators, Inc., dba R. Breinings & Sons, Inc., within 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 \_\_\_\_\_ 1997

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with Alfred Nickles Bakery, Inc., providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Alfred Nickles Bakery, Inc., is proposing to construct a new facility on 8.845 acre parcel located within the Massillon Enterprise Zone, and Alfred Nickles Bakery, Inc., is proposing to relocate its manufacturing, warehouse, sales and corporate office operations to this new facility, at a total combined investment of \$1,846,000.00 (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Alfred Nickles Bakery, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Alfred Nickles Bakery, Inc., has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by Alfred Nickles Bakery, Inc., and has recommended approval of the same to the Council on the basis that the companies are qualified by financial responsibility and business experience to preserve employment opportunities and said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Massillon City School District and the Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Alfred Nickles Bakery, Inc., providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety, and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by Alfred Nickles Bakery Inc., within 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 \_\_\_\_\_ 1997

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the said City may require for use of its several departments for a one (1) year period, 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 Safety and Service be and he is authorized and directed to prepare the necessary specifications and to advertise for and receive sealed bids and to enter into contract upon award of the items as the said City may require the same for use of its several departments for a one (1) year period. (Bid List Attached)

Section 2:

Each bidder may bid for the furnishing of all or any portion, of the items in Section I. Contracts may be made for each separate item as the same shall be awarded for the furnishing of a portion of the aforesaid materials, subject to the approval of the Board of Control.

The bids shall be solicited and the contracts awarded and executed for the purpose of establishing a unit price only. No specific enumeration of quantities whether in this Ordinance, in the advertisements, in the bids, in the contracts or any of them shall operate in any way to limit the right or power of the City or any of its boards or officers otherwise properly authorized from purchasing all of the said materials as the City may require the same during the contract period.

Section 3:

Upon acceptance of the aforesaid bids and their approval by the Board of Control and upon the execution of a contract therefore, 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 materials, supplies and equipment as the same shall be furnished in accordance with the requirements of the City of Massillon, Ohio, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the reason being that the materials, supplies and equipment to be purchased are needed for immediate use and 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 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



ATTACHMENT "A"

City Garage  
401 Walnut Road S.W.  
Massillon, Ohio 44646  
330-833-5746

BID LIST

STREET DEPARTMENT

1. Asphalt of H.P.M. Cold Mix (loaded on City trucks) \$ \_\_\_\_\_ ton
2. 402, 404 Fine top asphalt hot mix under 200 tons daily (loaded on City trucks) \$ \_\_\_\_\_ ton
3. 402, 404 Fine top asphalt hot mix over 200 tons daily (loaded on City trucks) \$ \_\_\_\_\_ ton
4. 412 sand and fine top asphalt Hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
5. 301 base asphalt hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
6. 10,000 pounds, more or less, as the City may require of crack sealant for use on City streets:
  - a) RS-221, Sealant meets ODOT 705.04 specifications \$ \_\_\_\_\_ lb.
  - b) RS-201, Sealant \$ \_\_\_\_\_ lb.
  - c) Polyfiber Sealant \$ \_\_\_\_\_ lb.
7. SS-921 Cold mix asphalt (loaded on City trucks) \$ \_\_\_\_\_ ton
8. 10,000 sq. yards, more or less, as the City may require, for furnishing necessary labor and equipment for profiling of City streets, including trucks for hauling away grindings, as property of contractor, including labor and equipment for clean up and sweeping. Cost per yard. \$ \_\_\_\_\_ yard
9. 702.04 MS-2 (Tack Coat No. 407) furnished and applied at one tenth (1/10th) gallon per sq. yard \$ \_\_\_\_\_ gal.
10. The City of Massillon is interested in receiving bids for all labor, materials, and equipment for in place single seal surfacing 409:
  - a. 409 Seal Coat Bituminous material \$ \_\_\_\_\_ gal
  - b. 409 Seal Coat Aggregate No. 9 \$ \_\_\_\_\_ ton

MOST CONTRACTS WILL BE EFFECTIVE FOR A ONE (1) YEAR PERIOD.  
CITY TO CONTROL TRAFFIC ON ALL OUTSIDE CONTRACTED STREET WORK

MISCELLANEOUS

11. 200 tons, more or less, No. 4 gravel and limestone,  
BID BOTH
- gravel        \$ \_\_\_\_\_ ton  
limestone    \$ \_\_\_\_\_ ton
12. 500 tons, more or less, No. 57 gravel and limestone,  
BID BOTH
- gravel        \$ \_\_\_\_\_ ton  
limestone    \$ \_\_\_\_\_ ton
13. 5,000 tons, more or less, as the City may require,  
of Rock Salt for ice control on City streets for a  
period of October 1, 1997 to March 31, 1998.
14. 2,000 tons, more or less, as the City may require,  
of grit for ice control (hauled by City trucks) for  
a period of October 1, 1997 to March 31, 1998.        \$ \_\_\_\_\_ ton
15. For the purpose of purchasing fuel at an off-site location for all  
city owned vehicles.

WASTEWATER TREATMENT PLANT

16. 25 tons, more or less, as the City may require, liquid chlorine  
gas delivered at the rate of six (6) one ton units.

GOLF COURSE DEPARTMENT

17. Chemicals - specifications available at Safety-Service office
18. Fertilizers - specifications available at Safety-Service office

Chemicals and fertilizers are to be delivered to Golf Course at  
2100 Nave Road SE, Massillon, Ohio 44646

DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 1997

BY: FINANCE COMMITTEE and  
POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept a federal grant under the Omnibus Appropriations Act of 1996 for use by the Massillon Police Department, 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 be and here is authorized to accept a federal grant under the Omnibus Appropriations Act of 1996 for use by the Massillon Police Department.

Section 2:

The said amount of the federal grant shall be Twenty-Five Thousand Six Hundred Four Dollars (\$25,604.00).

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 that the grant application must be filed by February 14th, 1997. 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: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Local Law Block Grant Fund", creating line items within said fund, and declaring an emergency.

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

Section 1:

There be and is hereby established within the City of Massillon, Ohio, a fund entitled "Local Law Block Grant Fund".

Section 2:

The City Auditor be and is hereby authorized and directed to draw her warrants and make payments on vouchers duly approved by the proper departmental authority.

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 establish this fund for the purpose of assisting Massillon Police Department in receiving grant funds. 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: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1997 appropriation from within the General Fund, Capital Improvement Fund, Park and Rec Fund, and the Park and Rec Capital Improvement Fund to the Wastewater Treatment 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 1997 appropriation from within the General Fund, Capital Improvement Fund, Park and Rec Fund, and the Park and Rec Capital Improvement Fund to the Wastewater Treatment Fund, of the City of Massillon, the following:

\$ 1,976.37 from "Reimbursement for Incorrect Deposit" 1100.905.2710  
\$ 348.77 from "Reimbursement for Incorrect Deposit" 1402.905.2710  
\$ 311.56 from "Reimbursement for Incorrect Deposit" 1433.210.2710  
\$ 153.45 from "Reimbursement for Incorrect Deposit" 1234.210.2710

\$ 1,651.12 to "WWT Fees" 2101.610.1571  
\$ 847.65 to "Industrial Surcharges" 2101.610.1573  
\$ 233.10 to "Sewer Fees" 2101.615.1571  
\$ 58.28 to "Bond Fees" 2101.620.1571

Section 5:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds must be deposited in the correct accounts 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: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Community Development Block Grant Program Fund, Municipal Golf Course Fund, General Fund, Park and Rec Capital Improvement Fund, Swimming Pool Fund and the Park and Rec Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, 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 Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$321,000.00 to an account entitled "Leases" 1401.905.2530  
\$150,000.00 to an account entitled "Storm Sewers Project" 1401.435.2510  
\$ 13,400.00 to an account entitled "New Equipment" 1401.305.2530  
\$ 10,300.00 to an account entitled "City Hall & Public Bldg. CI Equipment" 1401.410.2530  
\$ 2,000.00 to an account entitled "New Equipment" 1401.420.2530  
\$ 1,999.00 to an account entitled "New Equipment" 1401.440.2530  
\$ 348.77 to an account entitled "Transfer To" 1401.905.2710

Section 2:

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, 1997, the following:

\$100,000.00 to an account entitled "Housing Rehabilitation" 1402.845.2806

Section 2:

*Wekel*  
~~There be and hereby is appropriated from the unappropriated balance of the Municipal Golf Course Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:~~

~~\$ 8,100.00 to an account entitled "18 Hole Muni Golf Course" 1432.920.2510~~

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 6,400.00 to an account entitled "Professional Services" 1100.205.2390  
\$ 1,976.37 to an account entitled "Transfer To" 1100.905.2710

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Park and Rec Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 311.56 to an account entitled "Transfer To" 1433.210.2710

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Swimming Pool Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 168.00 to an account entitled "Remittance to State" 1236.705.2390  
\$ 100.00 to an account entitled "Supplies" 1236.705.2410  
\$ 50.00 to an account entitled "Postage" 1236.705.2350



Section 6:

There be and hereby is appropriated from the unappropriated balance of the  
ark and Rec Fund of the City of Massillon, Ohio, for the year ending December  
31, 1997, the following:

\$ 153.45 to an account entitled "Transfer To" 1234.210.2710

Section 7:

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 \_\_\_\_\_ 1997

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: February 3, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the Director of Law and his co-counsel to file the necessary legal action against the Massillon Community Hospital and all necessary defendants for the purpose of preventing the sale of Massillon Community Hospital to Columbia/HCA Healthcare Corporation, and declaring an emergency.

WHEREAS, in 1904, James F. Pocock and Amelia E. Pocock donated certain real estate and funds for the purpose of the construction and operation of a non-profit hospital; and

WHEREAS, the Pocock deed contained certain conditions and restrictions that require the hospital to be used for the operation of a not for profit general hospital; and

WHEREAS, the deed required the property to pass to and become the property of the City of Massillon if it is not used for the operation of a not for profit general hospital or if it is sold and the proceeds of the sale are not used for the operation of a not for profit general hospital; and

WHEREAS, the City of Massillon has been informed by the Board of Trustees of the Massillon Community Hospital that the sale to Columbia/HCA Healthcare Corporation, a for profit corporation, shall be completed on or before March 31, 1997; and

WHEREAS, pursuant to Ohio Revised Code, Section 753.53, it is necessary for this Council to authorize the Director of Law and his co-counsel to file court action on behalf of the City of Massillon.

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

Section 1:

It is necessary and it is in the best interest of the community of Massillon that legal action be taken to prevent the sale of Massillon Community Hospital to Columbia/HCA Healthcare Corporation.

Section 2:

The Director of Law of the City of Massillon and his co-counsel are hereby authorized to file the necessary legal action against the Massillon Community Hospital and all necessary defendants for the purpose of preventing the sale of Massillon Community Hospital to Columbia/HCA Healthcare Corporation.

Section 3:

The Director of Law is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for all necessary costs and expenses associated with the legal action, and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, and for the additional reason that it is necessary to file this legal action in that the Massillon Community Hospital has informed the City of Massillon that the sale to Columbia/HCA Healthcare Corporation will be complete on or before March 31, 1997 and that time is of the essence to file the lawsuit to prevent the sale. 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

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. 30 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the Director of Law and his co-counsel to file a declaratory judgment action in order to determine what rights that the City of Massillon has in certain property owned by Massillon Community Hospital and the Health Group, ("Property"); *declaring an emergency.*

WHEREAS, in 1904, James F. Pocock and Amelia E. Pocock donated certain real estate and funds for the purpose of the construction and operation of a non-profit hospital; and

WHEREAS, the Pocock deed contained certain conditions and restrictions that require the hospital to be used for the operation of a not for profit general hospital; and

WHEREAS, the deed required the "Property" to pass to and become the property of the City of Massillon if it is not used for the operation of a not for profit general hospital in accordance with the conditions and restrictions contained in the Pocock Deed;

WHEREAS, the City of Massillon has been informed by the Board of Trustees of the Massillon Community Hospital and the Health Group, that they intend to sell the hospital to a for profit corporation and the sale shall be completed on or before March 31, 1997; and

WHEREAS, pursuant to Ohio Revised Code, Section 753.53, it is necessary for this Council to authorize the Director of Law and his co-counsel to file court action on behalf of the City of Massillon.

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

Section 1:

It is necessary and it is in the best interest of the community of Massillon that a declaratory judgment action be filed in order to determine what rights, if any, the City has in certain real estate owned by Massillon Community Hospital and the Health Group.

Section 2:

The Director of Law of the City of Massillon and his co-counsel are hereby authorized to file a declaratory judgment action in order to determine what rights that the City of Massillon has in the "Property".

Section 3:

The Director of Law is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for all necessary costs and expenses associated with the legal action, and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, and for the additional reason that it is necessary to file this legal action in that the Massillon Community Hospital Trustees and the Health Group have informed the City of Massillon that the sale of the hospital to a for profit corporation will be complete on or before March 31, 1997 and that time is of the essence to file the declaratory action to determine the rights of the City. 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

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

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR