

# A G E N D A

DATE: MARCH 17, 1997  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN JIM ROHR
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL *Mr. Lambert excused*
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 54 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 55 - 1997 BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961 "PARKS" and enacting a new Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961, and declaring an emergency.

ORDINANCE NO. 56 - 1997 BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by the addition of Section 961.21 "COMMERCIAL ENTERPRISE" of said CHAPTER 961 "PARKS", and declaring an emergency.

ORDINANCE NO. 57 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Safety and Service of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase or lease of one waste packer truck for the Solid Waste Department, and declaring an emergency.

ORDINANCE NO. 58 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with CTI Environmental, Inc., for professional services to perform the Infiltration/Inflow Analysis and Facilities Plan update study, and declaring an emergency.

ORDINANCE NO. 59 - 1997 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 121.02 "Rules of Council" rule 30 of said CHAPTER 121 "COUNCIL" and enacting a new Section 121.02 "Rules of Council" rule 30 of said CHAPTER 121 "COUNCIL", and declaring an emergency.

ORDINANCE NO. 60 - 1997 BY: POLICE AND FIRE COMMITTEE

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 Massillon Professional Firefighters I.A.F.F. Local #251 until April 24, 1997, and declaring an emergency.

ORDINANCE NO. 61 - 1997 BY: POLICE AND FIRE COMMITTEE

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 until April 10, 1997, and declaring an emergency.

ORDINANCE NO. 62 - 1997 BY: POLICE AND FIRE COMMITTEE

AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Board of Trustees of Local Organized Governments In Cooperation, Stark County, (LOGIC) and Philip W. Paar as the Logic Executive Director, and declaring an emergency.

MARCH 17, 1997

ORDINANCE NO. 63 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE authorizing and directing the City Auditor to deposit funds received from the Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement - Legends Fund, and declaring an emergency.

ORDINANCE NO. 64 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE establishing a fund entitled "Park and Rec Donations Fund", creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 65 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE establishing a fund entitled "Enterprise Zone Monitoring Fund", creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 66 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay two 1996 bills, out of the 1997 appropriations within the General Fund, and declaring an emergency.

ORDINANCE NO. 67 - 1997BY: FINANCE COMMITTEE

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

ORDINANCE NO. 68 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Indigent Driver Alcohol Treatment Fund, Clerk of Court Computer Fund, Massillon Municipal Golf Course Fund, Capital Improvement Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund and the Community Development Block Grant Program Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 69 - 1997BY: COMMITTEE OF THE WHOLE

AN ORDINANCE authorizing the adoption of a policy prohibiting partisan political activity of employees of the City of Massillon, and declaring an emergency.

ORDINANCE NO. 70 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with the State of Ohio for two additional ramps at existing State Route 21 and Erie Street interchange in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 71 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the issuance of not to exceed \$2,160,000.00 of notes in anticipation of the issuance of Bonds for the purpose of constructing two additional ramps at the existing State Route 21 and Erie Street interchange lying within the City of Massillon, authorizing execution of an Escrow Agreement relating thereto, and declaring an emergency.

ORDINANCE NO. 72 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE establishing a fund entitled "State Route 21 Ramp Fund", creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 73 - 1997BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the State Route 21 Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

RESOLUTION NO. 3 - 1997BY: FINANCE COMMITTEE

A RESOLUTION adopting plans for the construction of two additional ramps at existing State Route 21 and Erie Street interchange; proposing to co-operate with the Director of Transportation in the improvement of State Route 21 and requesting the Director of Transportation to proceed with the aforesaid highway improvement, and declaring an emergency.



MARCH 17, 1997

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS
  - A). MAYOR SUBMITS MONTHLY REPORT FOR FEBRUARY 1997
  - B). POLICE CHIEF SUBMITS YEARLY REPORT FOR 1996
  - C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 1997
  - D). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 1997
11. REPORTS OF COMMITTEES - *March 31*
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 39 - 1997 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

*6.19* *P*  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder to pave and/or resurface various streets within the City of Massillon, and declaring an emergency.

*6.19* *P*  
ORDINANCE NO. 44 - 1997 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, 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 ARE NO PUBLIC HEARINGS THIS EVENING

SHARON HOWELL  
CLERK OF COUNCIL

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 1997

BY: THE COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations"), the Secretary of the Department of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal year 1997 and has, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of the CDBG Program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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

Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identify the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 1997 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG Program which are to develop viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.



Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon in carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG Program.

Section 5:

That this Council hereby authorizes the Mayor to consent to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provision of such act applies to the Secretary's responsibilities for environmental review, decision making, and action to be assumed and carried out by the Mayor, and authorizes the Mayor to consent, on behalf of the City, to accept the jurisdiction of the Federal Courts for the purposes of carrying out the CDBG Program; and furthermore, that this Council hereby authorizes the Mayor to execute and file requests for release of funds and related certifications and to prepare and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act and Regulations.

Section 6:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that the immediate approval and filing of the application is necessary to enable the City to qualify for its CDBG Grant for the FY 1997 Program Year and thus enable it to carry out its Community Development Program. And 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

ATTEST: \_\_\_\_\_  
Sharon Howell, Clerk of Council

\_\_\_\_\_  
David A. Smith, President

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

# CITY OF MASSILLON - FY 1997 CDBG PROGRAM PROPOSED ACTION PLAN

Project Name	Applicant	Description	Amount Allocated
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## *CDBG Administration Activities*

Planning & Administration	Community Development Dept	Planning & Administration of CDBG Program	128,600
Fair Housing Program	Community Development Dept	Fair housing services, education, outreach	30,000

## *Clearance Activities*

Demolition Program	Community Development Dept	Demolition of vacant, dilapidated structures	5,000
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## *Housing Activities*

City Housing Rehabilitation	Community Development Dept	Homeowner & Rental Housing Rehabilitation	205,000
Walnut Road Subdivision	NHS of Massillon	Property Acquisition & New Housing Construction	100,000
Homeownership Program	NHS of Massillon	Acquisition & Rehabilitation of Existing Housing	75,000
Housing Code Enforcement	Community Development Dept	Rental Housing Code Enforcement	30,000
Family Living Center	Catholic Community Services	Construction of entrance ramp	3,500

## *Public Improvements*

Sidewalk & Lighting Project	Massillon Main Street	Replacement of downtown sidewalks & street lights	100,000
LMI Street Resurfacing	City Engineer's Office	Street Resurfacing in LMI neighborhoods	60,000

## *Public Service Activities*

Youth Center Program	Community Development Dept	Operation of City Youth Center	60,000
Elderly Homemaker Program	Westark Family Services	Homemaker services to elderly & handicapped	20,000
Begin-A-New Program	Begin-A-New, Inc.	Summer tutoring program for LMI youth	15,000
Housing Counseling	Massillon Urban League	Rental referrals, tenant & homeowner counseling	15,000
Family Living Center	Catholic Community Services	Homeless Shelter, Adult Day Care Services	10,000
Adult Literacy Training	Massillon Literacy Commission	Adult Literacy Training, Education & Outreach	5,000
Teen Pregnancy Prevention	Massillon Urban League	Education Program for Middle School Students	5,000
Mayor's Drug Task Force	Mayor's Drug Task Force	Education & Outreach	5,000

## *Rehabilitation Projects*

Downtown Rehabilitation Program	Massillon Main Street	Rehab of Downtown Buildings	75,000
Joe Sparma Community Center	Joe Sparma Community Center	Gymnasium, Rest Room Renovation	50,000
Make-A-Way Drop In Center	Make-A-Way, Inc.	Renovation of Rest Rooms	2,900

Total Budget 1,000,000

FY 1997 Entitlement 933,000  
Estimated Income 42,000  
Re-Allocated Funds 25,000

Total Available 1,000,000



DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

**\*AMENDED**

ORDINANCE NO. 55 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961 "PARKS" and enacting a new Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961, and declaring an emergency.

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

Section 1:

The existing Section 961.11 "ADVERTISING PROHIBITED" of CHAPTER 961 "PARKS" 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 961.11 "ADVERTISING PROHIBITED" of CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

961.11 ADVERTISING PROHIBITED

\*

No person shall place or otherwise <sup>permanently</sup> affix any bill, notice, advertisement, sign or paper within City park boundaries, nor upon any fence, tree or other protective or decorative device surrounding City park property, or upon such property without approval of City Council. A person may place or otherwise affix any temporary bill, notice, advertisement, sign or paper within City park boundaries with permission from the Parks and Recreation Board, ~~or designated departmental representative.~~

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Park Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961 "PARKS" and enacting a new Section 961.11 "ADVERTISING PROHIBITED" of said CHAPTER 961, and declaring an emergency.

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

Section 1:

The existing Section 961.11 "ADVERTISING PROHIBITED" of CHAPTER 961 "PARKS" 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 961.11 "ADVERTISING PROHIBITED" of CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

961.11 ADVERTISING PROHIBITED

No person shall place or otherwise affix any bill, notice, advertisement, sign or paper within City park boundaries, nor upon any fence, tree or other protective or decorative device surrounding City park property, or upon such property without a written permit from the Parks and Recreation Director or designated departmental representative.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Park Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

**\*AMENDED**

ORDINANCE NO. 56 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by the addition of Section 961.21 "COMMERCIAL ENTERPRISE" of said CHAPTER 961 "PARKS", 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 enacted a new Section 961.21 "COMMERCIAL ENTERPRISE" of CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

961.21 COMMERCIAL ENTERPRISE

\*

No person shall sell or offer for sale any article, item, thing, <sup>stuff</sup>, privilege or service within a City park or recreational facility without a written permit from the Parks and Recreation Board, or ~~designated departmental representative.~~

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Park Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon, by the addition of Section 961.21 "COMMERCIAL ENTERPRISE" of said CHAPTER 961 "PARKS", 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 enacted a new Section 961.21 "COMMERCIAL ENTERPRISE" of CHAPTER 961 "PARKS" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

961.21 COMMERCIAL ENTERPRISE

No person shall sell or offer for sale any article, item, thing, privilege or service within a City park or recreational facility without a written permit from the Parks and Recreation Director or designated departmental representative.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Park Department of the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 - 1997

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Safety and Service of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase or lease of one waste packer truck for the Solid Waste 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 Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the purchase or lease of one waste packer truck for the Solid Waste Department.

Section 2:

The Director of Public Safety and Service of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and upon award and approval by the Board of Control, with the lowest and best bidder for the purchase or lease of one waste packer truck for the Solid Waste Department.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the more efficient operation of the Solid Waste Department in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

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

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

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 1997

BY: SEWER AND WASTE DISPOSAL 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 services to perform the Infiltration/Inflow Analysis and Facilities Plan update study, 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, without competitive bidding, with CTI Environmental, Inc., for professional services to perform the Infiltration/Inflow Analysis and Facilities Plan update study.

Section 2:

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 services to perform the Infiltration/Inflow Analysis and Facilities Plan update study.

Section 3:

That the cost of this professional service will not exceed the amount of One Hundred Fifty Thousand Dollars (\$150,000.00).

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. perform the professional services in that it 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 \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_

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

APPROVED: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR



DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 1997

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 121 "COUNCIL" of the Codified Ordinances of the City of Massillon, by repealing existing Sections 121.02 "Rules of Council" Rule 30 of said CHAPTER 121 "COUNCIL" and enacting a new Section 121.02 "Rules of Council" Rule 30 of said CHAPTER 121 "COUNCIL", 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 121.02 "Rules of Council" Rule 30 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 121.02 "Rules of Council" Rule 30 of CHAPTER 121 "COUNCIL", of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

121.02 RULES OF COUNCIL

Rule 30. All Committee sponsored Ordinances and Resolutions placed on the agenda for Council action shall be first read on the day of introduction, and, unless otherwise ordered by Council, shall be laid on the table until the next regular meeting of Council, when the same shall be read a second time, and, unless otherwise ordered by Council, shall be laid on the table until the next regular meeting of Council, when the same shall be read a third time and, unless otherwise acted on, the final vote shall be taken thereon and recorded in the journal and the concurrence of a majority of the elected members to Council shall suffice for adoption.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary to amend the Rules of Council to avoid any conflict with other rules and for the more efficient operation of the Council of the City of Massillon, Ohio, 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 - 1997

BY: POLICE AND FIRE COMMITTEE

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 Massillon Professional Firefighters I.A.F.F. Local #251 until April 24, 1997, 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 the Massillon Professional Firefighters I.A.F.F. Local #251 until April 24, 1997.

Section 2:

That the contract agreement between parties will be retroactive to the expiration date of the 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

. 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. CICCHINELLI, JR., MAYOR

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61 - 1997

BY: POLICE AND FIRE COMMITTEE

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 until April 10, 1997, 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 until April 10, 1997.

Section 2:

That the contract agreement between parties will be retroactive to the expiration date of the F.O.P. Henderson Lodge #105 Bargaining Unit.

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 due to the ongoing negotiations between the parties. 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 \_\_\_\_\_ 1997

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

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

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 62 - 1997

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into a contract agreement with the Board of Trustees of Local Organized Governments In Cooperation, Stark County, (LOGIC) and Philip W. Paar as the Logic Executive Director, 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, are hereby authorized and directed to enter into a contract agreement with the Board of Trustees of Local Organized Governments In Cooperation, Stark County, (LOGIC) and Philip W. Paar as the Logic Executive Director.

Section 2:

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

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 City of Massillon and the participating townships hire a Director for LOGIC. 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



## CONTRACT

Pursuant to Ohio Revised Code Section 167.05, this Agreement is made on February , 1997 between the Board of Trustees of Local Organized Governments In Cooperation, Stark County, Ohio (hereafter LOGIC) and Philip W. Paar (hereafter PAAR).

### 1. EMPLOYMENT

Pursuant to ORC Section 167.05, LOGIC herein contracts with PAAR under the terms and conditions set forth in this Agreement.

### 2. TERM OF CONTRACT/TERMINATION

This Agreement is effective on April 1, 1997 and shall remain in effect until March 31, 2000. LOGIC can terminate this Contract for just cause only upon providing ninety (90) days notice. PAAR can request that any such termination be submitted to a disinterested third party arbitrator in accordance with the arbitration procedure described in Exhibit A.

### 3. DUTIES

PAAR is employed to perform the services described in Exhibit B, which is incorporated herein, for 40 hours per week or 2080 hours per year. PAAR is permitted the movement of work hours within the work week as PAAR deems necessary for the completion of his job duties. Attendance at meetings is considered work hours. PAAR agrees to devote the time and attention necessary to perform the duties described in Exhibit B.

### 4. COMPENSATION

During the term of this Agreement, LOGIC shall pay PAAR compensation in the amount of \$55,000 per year, plus expense reimbursement for use of his personal car of \$.25 per mile and the benefits described in Exhibit C, which is incorporated herein. PAAR shall receive no overtime payment except in accordance with law or be entitled to any further compensation or benefits. For vacation purposes, PAAR shall be granted service credit for his employment with the Board of Trustees of Jackson Township, Stark County, Ohio. PAAR will also be entitled to transfer his unused sick leave from Jackson Township.

### 5. WORK FACILITIES

LOGIC shall furnish PAAR with an office and shall provide him with all equipment, technical and clerical support necessary for the performance of his duties.

## EXHIBIT A

### ARBITRATION

- A. Within ten (10) days of the receipt the termination decision, Paar shall notify LOGIC in writing, that the grievance be submitted to a disinterested third party for arbitration. No later than ten (10) working days after such notice is given, representatives of LOGIC and Paar shall meet to mutually agree on an arbitrator who shall be located in the Northeastern Ohio area. If unable to agree within ten (10) working days after the notice to arbitrate is given, the Parties shall promptly request the Federal Mediation and Conciliation Service (FMCS) to submit a panel of seven (7) arbitrators who shall be located in the Northeastern Ohio area, and the Parties will choose one (1) by the alternative strike method. Prior to striking names, either Party may request that the list be rejected. If the Parties are unable to choose an arbitrator within five (5) working days of receipt of the panel list or the panel list is rejected by either Party, the Parties shall request the FMCS to submit another of seven (7) arbitrators who shall be located in the Northeastern Ohio area, and selection of the arbitrator rules promulgated by the FMCS.
- B. The hearing or hearings shall be conducted pursuant to the "Rules of Voluntary Arbitration" of the American Arbitration Association.
- C. The fees and expenses of the arbitrator will be split equally by the Parties. The costs of the hearing room, if any, shall be split equally by the Parties. All other expenses shall be borne by the Party incurring them.
- D. The arbitrator shall hold the necessary hearings promptly and issue his findings and recommendation in writing within thirty (30) days from the date the record is closed. The decision of the arbitrator shall be final and binding upon the Parties.

EXHIBIT B

LOGIC  
EXECUTIVE DIRECTOR

- DUTIES:
- \* Reports to and paid by the LOGIC Board
  - \* Immediate supervisor is LOGIC Board Chairman
  - \* Responsible for managing all aspects of the Regional Emergency Dispatch (RED) Center including:
    - all personnel functions
    - establishing uniform dispatch procedures
    - equipment procurement
    - agency relations
    - facility design and maintenance
    - agency solicitations
    - budgeting and financial management
    - electronic communications
  - \* Responsible for liaison with other county/state agencies, including 911, commissioners, SCOG, etc.
  - \* Responsible soliciting public safety grants for all LOGIC members in any area pertaining to public safety or other government functions which one or more LOGIC members participate in.
  - \* Consult with and conduct research for member agencies in public safety matters as requested.

EXHIBIT C  
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## EXHIBIT C

### ARTICLE I - PERSONAL LEAVE

The Executive Director is entitled to four (4) days of personal leave time for the various conditions listed below:

#### A. Days Allowed:

1. Day is defined as eight (8) hours
2. Use of one-half ( $\frac{1}{2}$ ) day is allowed
3. Unused personal leave shall not be carried over to the following year.

#### B. Personal Leave Reasons

1. Sale or purchase of real property
2. Graduation of son, daughter, husband, wife, father, mother, or self
3. Marriage of self, son, or daughter (wedding day only)
4. Settlement of an estate
5. Adoption of a child
6. For any appearance in Court
7. For any funeral of a close friend and/or relative not covered under any sick leave policy of LOGIC
8. For an act of nature or an accident that disrupts utility services, plumbing, heating, or so damages the house that a condition is created that is hazardous or potentially hazardous to the welfare of the employee and/or his family and must be corrected without undue delay
9. For registration for college courses if Saturday or evening registration is not available
10. As the recipient of an award for contributions to the community, church, or education
11. For the observance of a recognized religious holiday which is not a legal holiday for which abstinence from work is a necessary requirement of its observance
12. Extraordinary transportation problems
13. Other necessary personal business which cannot be conducted except during working hours and does not appear elsewhere on this list. "Other necessary personal business" does not include recreation, shopping, seeking employment, pleasure trips, accompanying someone on a business trip, working a second job, or other similar activities.

C. Procedure

1. Requests for personal leave shall be made in writing on the prescribed LOGIC form.
2. Except for emergencies which could not be foreseen, personal leave must be requested and approved three (3) days prior to the day leave is taken.
3. Personal leave will not be granted for either the day before or the day after a holiday except in an emergency situation as described in Section C, No. 8.

NUMBER OF DAYS MISSED (December 1 - November 30)			
3	2	1	0
250	350	450	550

Time periods will be effective December 1 of the current year and run through November 30 of the next year.

ARTICLE II - VACATION POLICY

1. The Executive Director is entitled to vacation time according to the following schedule:

YEARS OF SERVICE			
After 1 Year	After 5 Years	After 10 Years	After 20 Years
4 weeks	5 weeks	6 weeks	7 weeks

2. If there is a desire to use more than two weeks of vacation at any given time, the Executive Director must receive permission from LOGIC.
3. For the purpose of administering vacation, the work week shall be Sunday through Saturday, and all days included therein shall be deemed workdays.
4. Anniversary date shall be the last date of hiring by LOGIC.

5. All maximum carryover balances must be two weeks vacation or less. A maximum of two weeks of earned but unused vacation may be purchased by LOGIC within thirty days (30) after the Executive Director's anniversary date if a minimum of two weeks of earned vacation has been used during the calendar year and upon filing the proper application form with the Payroll office.
6. Vacation requests must be approved by LOGIC. A request for annual vacation leave must be submitted by the employee at least three weeks (twenty-one calendar days) prior to the effective beginning date. Annual vacation will be taken at such time as the employee and the departmental authority mutually agree. The twenty-one calendar days notification may be waived at the discretion of the departmental authority.
7. Vacation leave earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence, unpaid military leave, or while working on a part-time basis.
8. Upon death or termination of employment from LOGIC service, payment for earned but unused vacation leave shall be made in a lump sum at the employee's current base rate of pay. Payment will be made within ninety (90) days of the time of the employee's death or termination of employment.

The extended sick leave is as follows:

Less than 5 Years	After 5 Years	After 10 Years
0	240 hours	360 hours

### ARTICLE III - HOLIDAY PAY

Hourly base rate of pay is the Executive Director's annual base salary divided by two thousand eighty (2,080) hours. Approved holidays are:

1. New Year's Day
2. Martin Luther King Day (3rd Monday in January)
3. Washington-Lincoln Day (3rd Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4th)
6. Labor Day (1st Monday in September)
7. Columbus Day (2nd Monday in October)
8. Veteran's Day (November 11th)
9. Thanksgiving Day (4th Thursday in November)
10. Friday following Thanksgiving

11. Christmas Day (December 25th)

ARTICLE IV - SICK LEAVE

All provisions set forth shall be applicable as if fully rewritten herein:

ARTICLE V - SICK LEAVE BONUS

LOGIC will provide payment of a sick leave bonus during the subsequent January for the number of sick days taken according to the following schedule:

ARTICLE VI - EXTENDED ILLNESS

LOGIC will provide additional sick leave, only to be used after the complete exhaustion of regular sick leave. This sick leave shall not be used in figuring the retirement settlement of unused sick leave.

1. The Executive Director shall be entitled to sick leave of .06 hours with pay for each regular completed hour of pay on active pay status. The employee may use sick leave, upon approval of LOGIC, for absences due to personal illness, pregnancy, injury, exposure to contagious disease which could be communicated to other employees, and to illness, injury, or death in the employee's immediate family. Up to thirty-two (32) hours of sick leave may be granted in the event of death in the immediate family.
2. Immediate family is defined as: grandparents, brother, sister, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father, father-in-law, mother, mother-in-law, spouse, child, grandchild, a legal guardian, or other person who stands in the place of a parent.
3. Unused sick leave shall be cumulative without limit. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour for every one hour of absence from previously scheduled work.
4. The employee shall submit a satisfactory written, signed statement to justify the use of sick leave before returning to work. LOGIC may require the employee to furnish a physician's statement related to the illness if absent three or fewer days. An employee absent four (4) consecutive calendar days or more is required to furnish a medical statement from their physician or other professional verifying illness, the employee's inability to perform their required duties, and the employee's expected date of recovery.



5. LOGIC may also require the employee, at LOGIC's expense, to submit to an examination by a physician or other professional designated by LOGIC for the purpose of verifying the illness, determining whether the employee is unable to perform their required duties, and determining the expected date of recovery. If the employee or LOGIC's designated physician or other professional determines that the employee is not experiencing a personal illness or injury, any subsequent absences of the employee will be without pay until the employee submits a physician's or other professional's statement supporting the reasons for the absence(s).
6. Falsification of either the signed statement or physician's or other professional's certificate shall be grounds for disciplinary action which may include dismissal. Applications for use of sick leave with the intent to defraud, abuse of sick leave, or the patterned use of sick leave, shall all be grounds for disciplinary action including dismissal.
7. LOGIC may, at any time, require that the employee submit to a medical examination in order to determine the employee's capability to perform the substantial and material duties of the employee's position; or to perform the duties of a position which the employee is reasonably suited to perform based on the employee's education, training, or experience. Such examination shall be conducted by a physician designated by LOGIC. LOGIC must supply the examining physician with facts relating to the perceived disabling illness, injury, or condition. Additional information may include: physical and mental requirements of the employee's position, duty statements, job classification specifications, and position descriptions. The cost of this medical examination shall be paid by LOGIC.
8. If the employee who is unable to report for work, and who is not on a previously approved leave for vacation, sick leave, compensatory leave or approved leave of absence, shall be responsible for notifying LOGIC or a designated representative that they will be unable to report for work. The notification must be made at least one (1) hour before the employee's scheduled start time for work. If the employee fails to make the required notification, the employee will not be paid for that day.
9. Paid holidays falling during a sick leave shall not be charged as sick leave time.

10. It shall be the obligation of the employee to receive necessary medical treatment and to return to active work status at the earliest time permitted by the attending physician.
11. Upon termination from employment with LOGIC, the Executive Director shall receive payment for one-fourth (1/4) of earned but unused sick leave in a lump sum payment at the employee's current rate of base pay. A maximum of 1000 hours (1/4 of 4000 total hours) will be paid for.
12. In the event of death of the employee meeting the minimum service time with LOGIC, a lump sum payment of one-half (1/2) of the employee's earned but unused sick leave which has been accumulated shall be paid in accordance with Ohio Revised Code Section 2113.04. Payment shall be made within ninety (90) days of the time the employee becomes eligible or of the time it is determined under Ohio Revised Code Section 2113.04 which person will receive payment. Payment under this Section shall be made only once.
13. An employee who fails to comply with any of the provisions of this policy shall not be allowed to use sick leave for time absent from work under such non-compliance.

#### ARTICLE VII - HEALTH INSURANCE

All provisions set forth in LOGIC's health insurance program including benefits for hospitalization, major medical, dental, vision, and drug insurance coverage on file shall be applicable as if fully rewritten herein.

#### ARTICLE VIII - LIFE INSURANCE

Life insurance coverage will be provided for the employees in the policy amount of \$40,000.

#### ARTICLE IX - PERS PICK UP

Employee contribution to be paid by LOGIC.

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the City Auditor to deposit funds received from the Legends of Massillon Golf Course into the Legends Fund and the Bond Retirement - Legends Fund, and declaring an emergency.

WHEREAS, the legislative authority of the City of Massillon is required to designate the funds where such monies are to be deposited; and

WHEREAS, the City desires to deposit Eighty percent (80%) of the money received from the Legends of Massillon Golf Course into the Legends Fund and Twenty Percent (20%) of the said money received into the Bond Retirement - Legends Fund.

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

Section 1:

The City Auditor is hereby authorized and directed to deposit funds from the Legends of Massillon Golf Course with Eighty (80%) of the monies received into the Legends Fund and Twenty Percent (20%) into the Bond Retirement - Legends Fund.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community, and for the further reason that the funds are needed to comply with the objectives of both funds. 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

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 64 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Park and Rec Donations 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 "Park and Rec Donations Fund".

Section 2:

The City Auditor 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 accepting donations and bequests from citizens who desire to donate to said 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 65 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Enterprise Zone Monitoring 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 "Enterprise Zone Monitoring Fund".

Section 2:

The City Auditor 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 the City receiving the required annual fee from enterprises that receive tax abatement under the Ohio Enterprise Zone 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 66 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay two 1996 bills, out of the 1997 appropriations within the General Fund, 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 it necessary to authorize the City Auditor to pay two 1996 bills out of the 1997 appropriation within the General Fund. Said bills to be paid are as follows:

\$499.00 for Sales Tax in the Golf Course Department  
\$100.00 for toner in the City Council Department

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 Golf Course and Council Office 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 67 - 1997

BY: FINANCE COMMITTEE

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

\$ 2,000.00 FROM "Real Estate Taxes" 1234.505.2391  
TO "Unemployment Comp." 1234.510.2290

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 operation of the Parks and Recreation Department for 1997, 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 68 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Indigent Driver Alcohol Treatment Fund, Clerk of Court Computer Fund, Massillon Municipal Golf Course Fund, Capital Improvement Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund and the Community Development Block Grant Program 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 Wastewater Treatment Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$150,000.00 to an account entitled "WWTP Facilities Plan Update Study"  
2101.610.2594

Section 2:

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

\$ 37,622.32 to an account entitled "Indigent Drivers Alcohol Treatment"  
1225.125.2392

Section 3:

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

\$ 35,000.00 to an account entitled "Equipment Purchases" 1232.130.2510

Section 4:

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

\$ 15,639.00 to an account entitled "18 Hole Muni golf Course" 1432.920.2510

Section 5:

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:

\$ 10,145.00 to an account entitled "GTE/City Hookup" 1401.410.2510  
\$ 7,594.00 to an account entitled "Computers/Software-Administrative Offices"  
1401.110.2530  
\$ 6,000.00 to an account entitled "Mayor's Office-Furniture & Fixtures"  
1401.110.2520

Section 6:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 Fund Towne Plaza of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$ 2,000.00 to an account entitled "Legal Services" 1217.840.2593

Section 7:

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:

\$ 1,866.75 to an account entitled "Children's Art Connection" 1402.845.2838

Section 8:

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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 69 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the adoption of a policy prohibiting partisan political activity of employees 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:

The Council of the City of Massillon, Ohio, hereby finds that it is in the best interest of the City of Massillon to adopt a policy prohibiting partisan political activity of employees of the City of Massillon.

Section 2:

The Council of the City of Massillon, Ohio, hereby authorizes a policy prohibiting partisan political activity of employees of the City of Massillon. Said policy shall read as follows:

POLITICAL ACTIVITY

- A. No person in the classified service or seeking admission thereto, shall be appointed or rejected for admission, reduced, laid off, discharged or in any way favored or unlawfully discriminated against because of his or her political opinions or affiliations.
- B. No person in the classified service shall engage in any political activity during the time he or she is working for the City.
- C. No person in the classified service shall be required to participate in any political activity.

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 further reason that a policy prohibiting partisan political activity must be implemented to comply with Federal and State law. 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: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 70 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with the State of Ohio for two additional ramps at existing State Route 21 and Erie Street interchange 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 agreement with the State of Ohio for two additional ramps at existing State Route 21 and Erie Street interchange in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon be and is hereby authorized to enter into a contract agreement with the State of Ohio for two additional ramps at existing State Route 21 and Erie Street interchange in the City of Massillon. A copy of said contract is hereby attached.

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 complete the construction of the State Route 21/Erie Street Ramp 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 \_\_\_\_\_ 1997

APPROVED: \_\_\_\_\_

SHARON HOWELL, CLERK OF COUNCIL

DAVID A. SMITH, PRESIDENT

APPROVED: \_\_\_\_\_

FRANCIS H. CICCHINELLI, JR., MAYOR



PID No. 11110

PROJECT NO. \_\_\_\_\_ (97)

APPROVED AS TO FORM (ONLY):  
BETTY D. MONTGOMERY  
ATTORNEY GENERAL

By: \_\_\_\_\_  
Daniel A. Malkoff  
Assistant Attorney General

\_\_\_\_\_, 1997

C O N T R A C T  
(Chapter 5521, Ohio Revised Code)

Note: Before the signing of this contract the fiscal officer must make and seal and file with the Legislative Authority his certificate of funds in strict compliance with Chapter 5521, and Section 5705.41, Ohio Revised Code. The fiscal officer should record his certificate of funds in the Legislative Authority's journal.

This contract and agreement made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 1997, by and between the **City of Massillon**, hereinafter referred to as the legislative authority and the State of Ohio, hereinafter referred to as the State, witnesseth:

WHEREAS, On the 21st of January, 1997, said legislative authority adopted legislation proposing to cooperate with the State in the highway improvement, which is to be made by and under the supervision of the Director of Transportation, said highway improvement being described as follows:

Construct two additional ramps at existing State Route 21 and Erie Street interchange, lying within the City of Massillon. Total length work being approximately ~~2.430~~ <sup>1.805</sup> KM

WHEREAS, On the \_\_\_\_\_ day of \_\_\_\_\_, 1997, the Director of Transportation determined to make the proposed highway improvement, when, in his judgment, conditions permit the advertising and awarding of a contract, therefore; and

WHEREAS, Thereafter, on the 5th day of March, 1997, the Director Transportation submitted plans and estimates for said highway improvement to the legislative authority for approval; and

PID No. 11110 - Contract

WHEREAS, Thereafter, on the \_\_\_\_\_ day of \_\_\_\_\_, 1997, said legislative authority duly adopted a resolution, approving plans, proposing to co-operate, requesting the Director of Transportation to proceed and resolving to enter in to a contract with the State in conformity with previous resolutions, providing for the payment by said legislative authority of the estimated sum of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight - - - - - 00/100 Dollars, (\$2,022,928.00)**, the share of said legislative authority in the total estimated cost and expense of said proposed highway improvement; and

WHEREAS, The Clerk has reported to this legislative authority that a certified copy of such Resolution has been duly transmitted to said Director of Transportation; and

WHEREAS, This legislative authority assumes and agrees to pay as its share of the cost and expense of construction of said highway improvement the sum of money herein before set forth, which moneys are now available for the purpose and as to which the fiscal officer has filed with said legislative authority a certificate that such moneys are in fund, all as required by statute, a duplicate of which certificate has been filed with the Director of Transportation; and

WHEREAS, In said legislation proposing cooperation, said legislation authority proposed to cooperate with the Director of Transportation in the improvement of **State Route 21, the City to initially assume and bear the entire cost and expense of the Federal share of the construction phase of this improvement. Upon completion of the project, Stark County Area Transportation Study (SCATS) will make the Federal funding available to allow the Director of Transportation to reimburse the City for the normal eighty percent (80%) Federal share of the eligible items for the project in equal installments in July, 1998 and July, 1999. The State agrees to absorb the non-federal share of the construction costs. The City also agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and right of way charges incurred by the State.**

In addition, the City also agrees to assume and bear one hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

The Director of Transportation notwithstanding the percentage basis of contribution may allocate the money contributed in whatever manner he may deem necessary in financing the cost of construction, rights-of-way, engineering and incidental expenses.

**PID No. 11110 - Contract**

The total share of the cost for the **City of Massillon** is now estimated in the amount of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight - - - - - 00/100 Dollars, (\$2,022,928.00)**, but said estimated amount is to be adjusted in order that the City's ultimate share of the cost of said improvement shall correspond with said percentages of actual costs when said actual costs determined; and

WHEREAS, Said legislative authority agrees that upon completion of said improvement it 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 provisions for such maintenance; and
- (b) Maintain the Right-of-way and keep it free of obstructions 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) Will place and maintain all traffic control devices conforming to the Ohio Manual Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and
- (d) Regulate parking in the following manner:  
Prohibit parking in accordance with Section 4511.11 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution; and

WHEREAS, Said City further agrees:

- (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 therefore.
- (b) That the **City** will acquire any additional right-of-way required for the construction of the aforesaid improvement in accordance with the applicable State and Federal Regulations and instructions given by the State.
- (c) That arrangements obtained from all public utility companies whose lines 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 a manner as to be clear of any construction called for by plans of said improvement and said companies have signed agreed to make such necessary rearrangements immediately after notification by the City or the Department of Transportation Engineer.

**PID No. 11110 - Contract**

- (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 Ohio Department of Transportation Directive H-P-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- (e) That the construction, reconstruction, and/or rearrangements 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 back filling 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, "Utility Relocations and Adjustments" and the Department of Transportation 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 Sections (a), (b), (c), and (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.
- (f) Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice, in writing, to this legislative authority. This legislative authority shall contribute its share of these items in accordance with other sections herein.

**PID No. 11110 - Contract**

'OW, THEREFORE, in consideration of the foregoing and the construction of said improvement desired and determined by the legislative authority of **Massillon, Ohio**, said legislative authority hereby contracts and agrees with the State of Ohio that it will pay, as its agreed proportion of the cost and expense of said improvement, the estimated sum of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight - - - - - 00/100 Dollars, (\$2,022,928.00)**, and that the same shall be paid by the proper City Officials upon the requisition of the Director of Transportation.

For the City of Massillon, Ohio

Attest: \_\_\_\_\_

Director of Public Service and Safety

(Contractual Officer(s) Signature(s)  
and Title) of Massillon, Ohio.

Attest: \_\_\_\_\_ State of Ohio  
Accepted by: \_\_\_\_\_  
Director of Transportation

State of Ohio )  
 ) Office of the Legislative Authority  
Massillon, Ohio )

This is to certify that we have compared the foregoing copy and contract with the original record thereof, found in the record of the proceedings of the legislative authority of Massillon, Ohio, and which contract was duly signed by the Director of Public Service and Safety of Massillon, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 1997, and that the same is a true and correct copy of the record of said contract and the action of said legislative authority thereon.

We further certify that said contract and the actions of said legislative authority thereon is recorded in the journal of said legislative authority in volume 1, at page 200, and under date of                     , 1997.

**PID No. 11110 - Contract**

IN WITNESS WHEREOF, We have hereunto set our hands and seal, this

\_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Presiding Officer

\*SEAL

\_\_\_\_\_  
Clerk (Secretary Ex-Officio)

Legislative Authority of the  
City of Massillon, Ohio

Note: If the fiscal officer is secretary ex-officio of the Legislative Authority, the fiscal officer's seal should be affixed. If there is no seal, this fact should be stated by separate letter and attached hereto.



DATED: MARCH 17, 1997

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 71-1997

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,160,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF CONSTRUCTING TWO ADDITIONAL RAMPS AT THE EXISTING STATE ROUTE 21 AND ERIE STREET INTERCHANGE LYING WITHIN THE CITY OF MASSILLON, AUTHORIZING EXECUTION OF AN ESCROW AGREEMENT RELATING THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the City of Massillon, Ohio (the "City"), pursuant to Ordinance No. 15-1997 approved January 21, 1997, has heretofore authorized the Director of Public Service and Safety of the City to enter into a contract agreement with the Stark County Area Transportation Study for the improvement stated in the title of this ordinance (the "Project"); and

WHEREAS, the City Auditor has certified to this Council (the "Council") that the estimated life of the Project which is to be financed from the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being twenty (20) years and notes being twenty (20) years;

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$2,160,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated approximately March 1, 1998, shall bear interest at the maximum average annual interest rate presently estimated to be six and one-half per centum (6.5%) per

annum, payable semiannually until the principal sum is paid and shall mature in twenty (20) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$2,160,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated March 25, 1997 and shall mature on August 14, 1998. The Notes shall be issued in such form as shall be mutually acceptable to the City and the purchaser thereof and shall be executed and delivered in such number and such denominations as shall be requested by the purchaser thereof. Coupons shall not be attached to the Notes. The Notes shall be issued in minimum denominations of \$100,000.

Section 5. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 6. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 7. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed six per centum (6.0%) per annum, based on a 360-day year of twelve 30-day months, payable on August 14, 1997, February 14, 1998 and August 14, 1998. The Notes shall be, and hereby are, awarded and sold to such purchaser as shall be determined by the City Auditor and certified to this Council (the "Original Purchaser") at the par value thereof, and the City Auditor of this Council is hereby authorized and directed to deliver the Notes, when executed, to said purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in an Escrow Fund for Highway Improvement and used for the purpose aforesaid and for no other purpose. The City Auditor and the Mayor of the City, or either of them individually, are authorized and directed to

execute on behalf of the City an Escrow Agreement for Highway Improvement with such financial institution as shall be acceptable to the City and the Ohio Department of Transportation ("ODOT"), which agreement shall not be substantially inconsistent with the form heretofore presented to the Council.

Any accrued interest or premium on the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Notes in the manner provided by law.

Section 9. The Notes shall be executed by the City Auditor and the Mayor, provided that either but not both of such signatures may be a facsimile, shall be designated "City of Massillon, Stark County, Ohio S.R. 21 Improvement Notes", shall be payable as to both principal and interest at the office of FirstMerit Citizens National Bank in the City of Massillon, Ohio, or such other bank as shall be acceptable to the City and the Original Purchaser, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 10. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, which action shall be in writing and signed by the City Auditor, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

The Notes are hereby designated by the City to be "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Auditor, or any other officer of the City, including the Mayor, is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the representations, warranties and covenants of the City designed to assure that the Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 12. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 13. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 14. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that ODOT requires the City to fund the Project by March 26, 1997 or ODOT will defer the Project and its commitment thereto; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 17th day of March, 1997.

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President of Council

Approved:

\_\_\_\_\_  
Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_\_ duly adopted by the Council of the City of Massillon, Ohio on the 17th day of March, 1997, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on the \_\_\_\_ day of March, 1997.

\_\_\_\_\_  
Clerk  
City of Massillon, Ohio

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 72 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "State Route 21 Ramp 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 "State Route 21 Ramp Fund".

Section 2:

The City Auditor 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 the City receiving and expending the necessary monies for the State Route 21 Ramp 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 \_\_\_\_\_ 1997

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

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



DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 73 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the State Route 21 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 State Route 21 Fund of the City of Massillon, Ohio, for the year ending December 31, 1997, the following:

\$2,160,000.00 to an account entitled "State Route 21 State Contract"  
1435.905.2390

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 efficient operation of the Auditors department in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

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

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

DATE: March 17, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 3 - 1997

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION adopting plans for the construction of two additional ramps at existing State Route 21 and Erie Street interchange; proposing to co-operate with the Director of Transportation in the improvement of State Route 21 and requesting the Director of Transportation to proceed with the aforesaid highway improvement, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon hereby authorizes the adoption of plans for the construction of two additional ramps at existing State Route 21 and Erie Street interchange, proposing co-operation with the Director of Transportation in the improvement of said State Route 21 and requesting the Director of Transportation to proceed with the aforesaid highway improvement.

Section 2:

A copy of the Final Resolution requested by the State of Ohio is hereby attached.

Section 3:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Massillon, the emergency being to proceed with a project designed to provide additional ramps at the existing State Route 21 and Erie Street interchange. Provided it received the affirmative vote of two-thirds of all the members duly 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

FINAL RESOLUTION

Adopting plans;  
Proposing to co-operate;  
Requesting Director to proceed;  
(Chapter 5521, Ohio Revised Code)

Mr. \_\_\_\_\_, moved the adoption of the following Resolution:

WHEREAS, At a meeting of the legislative authority of **the City of Massillon, Ohio**, held in the office of said legislative authority on this \_\_\_\_\_ day of \_\_\_\_\_, 1997, a quorum being present, the improvement of **State Route 21**, provisions of Chapter 5521, Ohio Revised Code, came on for further consideration; said portion of highway as described in the legislation proposing cooperation with the Director of Transportation, enacted on the 21st day of January, 1997, being described as follows:

Construct two additional ramps at existing State Route 21 and Erie Street interchange, lying within the City of Massillon. Total length work being approximately ~~2.430~~ KM  
1.805

WHEREAS, In said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the improvement of **State Route 21**. the City agrees to initially assume and bear the entire cost and expense of the Federal share of the construction phase of this improvement. Upon completion of the project, Stark County Area Transportation Study (SCATS) will make the Federal funding available to allow the Director of Transportation to reimburse the City for the normal eighty percent (80%) Federal share of the eligible items for the project in equal installments in July, 1998 and July, 1999. The State agrees to absorb the non-federal share of the construction costs. The City also agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house Preliminary Engineering and Right of Way charges incurred by the State.

In addition, the City also agrees to assume and bear one hundred percent (100%) of the cost of any construction items requested by the City on the entire improvement, which are not necessary for the improvement, as determined by the State and Federal Highway Administration.

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The Director of Transportation notwithstanding the percentage basis of contribution may allocate the money contributed in whatever manner he may deem necessary in financing the cost of construction, rights-of-way, engineering and incidental expenses. The total share of the cost for the **City of Massillon** is now estimated in the amount of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight - - - - - 00/100 Dollars, (\$2,022,928.00)**, but said estimated amount is to be adjusted in order that the City's ultimate share of the cost of said improvement shall correspond with said percentages of actual costs when said actual costs determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, This legislative authority desires the Director of Transportation to proceed with the aforesaid highway improvement.

Now, Therefore, Be it Resolved:

- I. That the section of highway above described be improved under the provisions of aforesaid law. That said work be done under the charge, care and superintendence of the Director of Transportation and that said plans, specifications and estimates for this highway improvement as approved by to Director of Transportation are hereby approved and adopted by this legislative authority.
- II. Change orders and extra work contracts required to fulfill the construction contract shall be processed as needed. The Director of Transportation shall not approve a change order or extra work contract until he first gives notice, in writing, to this legislative authority. This legislative authority shall contribute its share of the cost of these items in accordance with other sections herein.
- III. That this legislative authority is still of the opinion the proposed work on the described highway should be constructed, and that we should co-operate on the basis set forth in our proposal.
- IV. That the estimated sum of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight- - - - - 00/100 Dollars, (\$2,022,928.00)**, is hereby appropriated for improving the highway described above, and the fiscal officer is hereby authorized and directed to issue his order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume, in the first instance, the share of the cost and expense over and above the amount to be allocated from Federal and State Funds.

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- V. That the installation of utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration Policy and Procedure Memorandum 30-4, "Utility Relocations and Adjustments" and the Department of Transportation rules on Utility Accommodation.
- VI. 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 Ohio Department of Transportation Directive H-P-508, whether inside or outside the corporate limits as may be necessary to conform to the said improvement and said rearrangements shall be done at such time as requested by the Department of Transportation Engineer.
- VII. That traffic control signals will be installed on the project only when recommended by a study of roadway and traffic conditions by a traffic engineer or when at least of the warranting conditions specified in the Ohio Manual of Uniform Traffic Control Devices is met and the municipality does hereby agree to 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.
- VIII. That the rights-of-way provided for said improvement shall be held inviolate for public highway purposes and no signs, posters, billboards, roadside stands or other private installations shall be permitted within the right-of-way limits.
- IX. That this legislative authority of **Massillon**, Ohio, hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- X. That this legislative authority of **Massillon**, Ohio, shall enter into a contract with the Director of Transportation providing for the payment by said legislative authority of the estimated sum of **Two Million Twenty Two Thousand Nine Hundred Twenty Eight - - - - - 00/100 Dollars, (\$2,022,928.00)**, the agreed proportion of the cost and expense to be borne by the City of **Massillon**, Ohio, for the improvement of the hereinbefore described highway.
- XI. That the Clerk of this legislative authority be, and he is hereby directed to transmit to the Director of Transportation a certified copy of these Resolutions.
- XII. This Resolution is hereby declared to be an emergency measure by reason of the need for expediting construction of project(s) to promote highway safety and provided it receives the affirmative vote of two-thirds of the members elected to the

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legislative authority, it shall take effect and be in force upon its passage and approval by the **Director of Public Service and Safety**; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Thereupon, Mr. \_\_\_\_\_ seconded the said motion; and upon the roll being called, the result of the vote was as follows:

Vote on suspension of the rule requiring an ordinance to be fully and distinctly read on three different days:

(Requires a yea vote by three-fourths of all elected members)

Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Vote on emergency clause: Yeas \_\_\_\_\_ Nays \_\_\_\_\_

Passed: \_\_\_\_\_, 1997. Yeas \_\_\_\_\_ Nays \_\_\_\_\_

As An Emergency Measure.

Passed: \_\_\_\_\_, 1997.

Attest \_\_\_\_\_  
Clerk

\_\_\_\_\_  
Director of Public Service and Safety

Attest: \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer of the  
Legislative Authority

State of Ohio )  
Massillon, Ohio ) Office of the Legislative Authority



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This is to certify that we have compared the foregoing copy and Resolution with the original record thereof, found in the record of the proceeding of the legislative authority of the City of Massillon, Ohio, which Resolution was duly passed by said authority of the City of Massillon, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, 1997, and that the same is a true and correct copy of the record of said Resolution and the action of said legislative authority thereon.

We further certify that said Resolution and the action of said legislative authority thereon is recorded in the journal of said legislative authority in volume \_\_\_\_\_, at page RES #, and under date of \_\_\_\_\_, 1997.

IN WITNESS WHEREOF, We have hereunto set out hands and seal, this

\_\_\_\_\_ day of \_\_\_\_\_, 1997.

\*SEAL

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Clerk (Secretary Ex-Officio)

Legislative Authority of the  
City of Massillon, Ohio

\*Note: If the fiscal officer is secretary Ex-Officio of the Legislative Authority, the fiscal officer's Seal should be affixed. If there is no seal this fact should be stated by separate letter and attached hereto.