

# A G E N D A

DATE: AUGUST 18, 1997  
TIME: 7:30 P.M.  
PLACE: COUNCIL CHAMBERS

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

- A). MR. DARRELL PAUL AND CONCERNED CITIZENS - SPORTS PARK
- B). MR. TOM BONK AND CONCERNED CITIZENS - GOLF COURSE

## 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 151 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-3 Single Family Residential to RM-1 Multiple Family Residential, and declaring an emergency. *10/6/97 Public Hearing*

ORDINANCE NO. 152 - 1997 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 153 - 1997 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 154 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

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 for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 155 - 1997 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into easement agreements for property located in the Southwest Quarter of Section 21 and the Southwest Quarter of Section 22 located in Perry Township for the purpose of constructing, installing and maintaining the Nave-Richville Sanitary Sewer Extension, and declaring an emergency.

ORDINANCE NO. 156 - 1997 BY: FINANCE COMMITTEE

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

ORDINANCE NO. 157 - 1997 BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Emergency Home Repair Fund, UDAG B-81-AB-0097 Towne Plaza Fund and the Restaurant License Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 158 - 1997 BY: COMMITTEE OF THE WHOLE

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

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

- A). LETTER FROM THE OHIO DEPARTMENT OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM THOMAS J. ELUM, . DBA MALDOONS, 1992 LINCOLN WAY EAST, MASSILLON, OHIO, 44646 TO NEW NASHEVILLE RECORDS & PROMOTIONS INC., DBA MALDOONS, 1992 LINCOLN WAY EAST, MASSILLON, OHIO, 44646.

AUGUST 18, 1997

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

- A). MAYOR SUBMITS MONTHLY REPORT FOR JULY 1997  
B). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 1997  
C). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY 1997

11. REPORTS OF COMMITTEES  
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS  
13. CALL OF THE CALENDAR  
14. THIRD READING ORDINANCES AND RESOLUTIONS  
15. SECOND READING ORDINANCES AND RESOLUTIONS

Wagon - F. ...

5000 - C.D.

5000 - Park & Rec.

6000 - Sewer

6000 - Whole

6000 - Parks

Performance Contract

ORDINANCE NO. 147 - 1997

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with Johnson Controls for the Energy Conservation Program for the City of Massillon in conjunction with HB 300, and declaring an emergency.

ORDINANCE NO. 150 - 1997

BY: FINANCE COMMITTEE

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

16. NEW AND MISCELLANEOUS BUSINESS  
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA  
18. ADJOURNMENT

THERE ARE NO PUBLIC HEARING THIS EVENING

SHARON HOWELL  
CLERK OF COUNCIL

DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 151 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-3 Single Family Residential to RM-1 Multiple Family Residential, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-3 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on July 9th, 1997 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and hereby is amended to show the following described area as RM-1 Multiple Family Residential.

Being known as Out Lot No. 738, a 12.096 acre parcel of land located on the north side of Nave Road, S.E., east of Veterans Boulevard, S.E.

Section 3:

That this Ordinance is declared to be an emergency measure in that the City desires to convey this property to A.R. Lockhart/W.G. Lockhart Construction Company for the development of multiple family housing next to the Legends of Massillon Golf Course and hence is necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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



REZONING REQUEST  
OUT LOT 738 - 12.096 ACRES  
R-3 to RM-1

A-1

71-12

LEGENDS OF  
MASSILLON  
GOLF

MUNICIPAL  
COURSE

ASHLAND  
UNIVERSITY  
PROGRAM  
CENTER

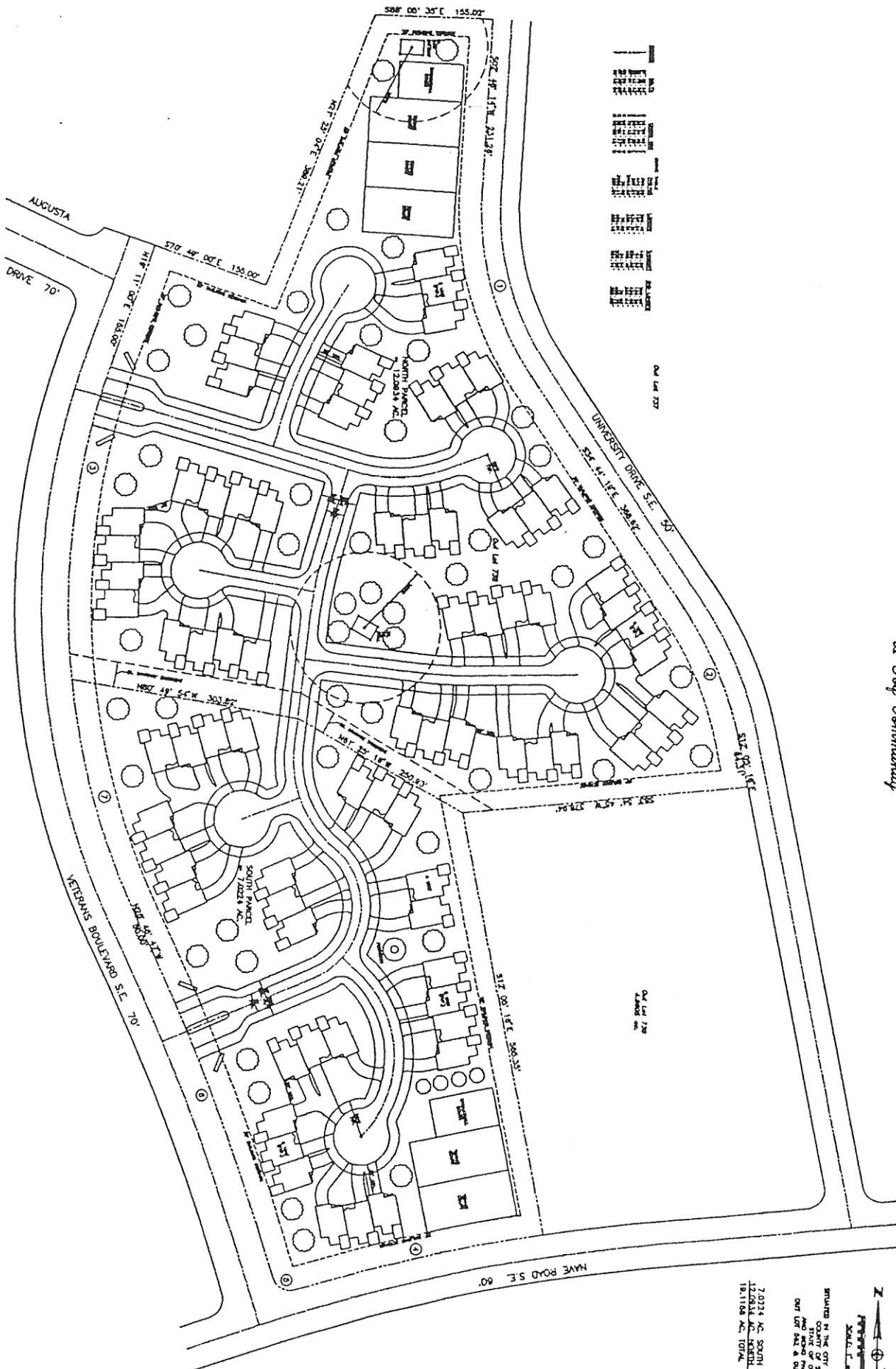
NAVY	ST.
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U.S. 30

93-1 01

# The Villas of St. Andrews

a Golf Community



7,000 AC SOUTH PARCEL  
120,000 AC NORTH PARCEL  
18,110 AC TOTAL

SITUATED IN THE CITY OF WASHINGTON  
COUNTY OF STAFFORD  
STATE OF VIRGINIA  
DIT LOT 642 & DIT LOT 643

SCALE: 1" = 100'



PRELIMINARY SITE LAYOUT  
VETERANS BLVD. & NAVY RD.  
MASSILLON, OHIO

A.R. LOCKHART  
1600 W. WILSON RD.  
ALICIA, OHIO 44314  
PHONE (330) 745-8320

**GBC DESIGN, INC.**  
200 E. Second Street, Akron, OH 44304-1000  
Phone (330) 533-0500 Fax (330) 533-0500

1 OF 1

## CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

## ORDINANCE NO. 152 - 1997

BY: COMMUNITY DEVELOPMENT &amp; ANNEXATION COMMITTEE

TITLE: AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, a petition for the annexation for certain territory in Perry Township, was duly filed by Steve D. Hamit, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on January 3, 1996, and

WHEREAS, the Ohio Fifth District Court of Appeals, in a judgment entry dated August 4, 1997, in Case Number 96-CA-0428, captioned "Village of Navarre, Ohio vs. City of Massillon", overruled an assignment of error that "The trial court erred by failing to rule that Massillon's untimely and improper annexation acceptance invalidated its annexation", and specifically found that the October 9, 1996, order of the Stark County Court of Common Pleas is enforceable, and the Court of Appeals declared that City of Massillon is permitted to proceed with this annexation,

WHEREAS, the Board of County Commissioners certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, and the City Auditor of the City of Massillon, received same on October 9, 1996, and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon, Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The application of Steven D. Hamit, Agent for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit:

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

Beginning at the Southwest corner of the Northwest Quarter Section 33, Perry Township;  
Thence N 01°57'25" W along the west line of said Quarter Section, a distance of 1464.81' to a point;

Thence S 89°57'45" E along a north line of a parcel currently or previously owned by L. Miller as recorded in Volume 3835 Page 847 in Stark County, Ohio, a distance of 17.36' to a point;

Thence following the westerly line of the Wheeling and Lake Erie Rail Road tract as recorded in Volume 202 Page 42 in Stark County, Ohio, the following courses:

N 00°25'25" E a distance of 179.33' to a point;

Thence, N 03°24'18" E a distance of 224.30' to a point;

Thence, along a curve to the left through a central angle of 09°10'10" an arc distance of 179.45' a chord bearing of N 01°50'23" W a distance of 179.25' to a point;

Thence N 05°00'20" W a distance of 668.59' to a point said point being in the centerline of Navarre Road;

Thence N 87°28'13" E along the centerline of Navarre Road a distance of 1233.31' to a point;

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

Thence N 87°28'13" E along the south line of said Lillo Tract a distance of 250.00' to a point;

Thence N 02°14'36" W along the east line of said Lillo Tract a distance of 213.75' to a point, said point being in the centerline of Navarre Road;

Thence N 87°28'13" E along the centerline of Navarre Road a distance of 476.69' to a point;

Thence S 01°57'22" E along a tract of land currently or previously owned by M. Pertican Trust as recorded in Volume 174 Page 194 in Stark County, Ohio a distance of 465.60' to a point;

Thence N 87°28'13" E along the south side of said Pertican tract a distance of 200.00' to a point;

Thence N 01°57'25" W continuing along the east side of said Pertican tract a distance of 465.60' to a point, said point also being in the centerline of Navarre Road;

Thence N 87°28'13" E along the centerline of Navarre Road a distance of 477.99' to a point, said point also being the northeast corner of a parcel of land currently or previously owned by G. & V. Stahl as recorded in Volume 854 Page 631 in Stark County, Ohio;

Thence S 01°57'25" E along the east line of said Stahl Parcel distance of 335.00' to a point;

Thence N 87°28'13" E a distance of 84.44' to a point, said point being on the quarter section line between the Northwest and Northeast Quarter Sections 33 Perry Township, Stark County, Ohio;

Thence S 01°58'23" E along said quarter section line a distance of 316.95' to a point;

Thence S 87°28'13" W a distance of 762.50' to a point;

Thence S 01°57'25" E a distance of 2057.54' to a point, said point being on the south quarter section line of the Northwest Quarter Section 33 Perry Township, Stark County, Ohio;

Thence S 87°28'13" W along said quarter section line a distance of 1970.56' to a point, said point also being the true place of beginning containing 129.288 acres, more or less, in the Northwest Quarter Section 33 Perry Township.

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and hereby is directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

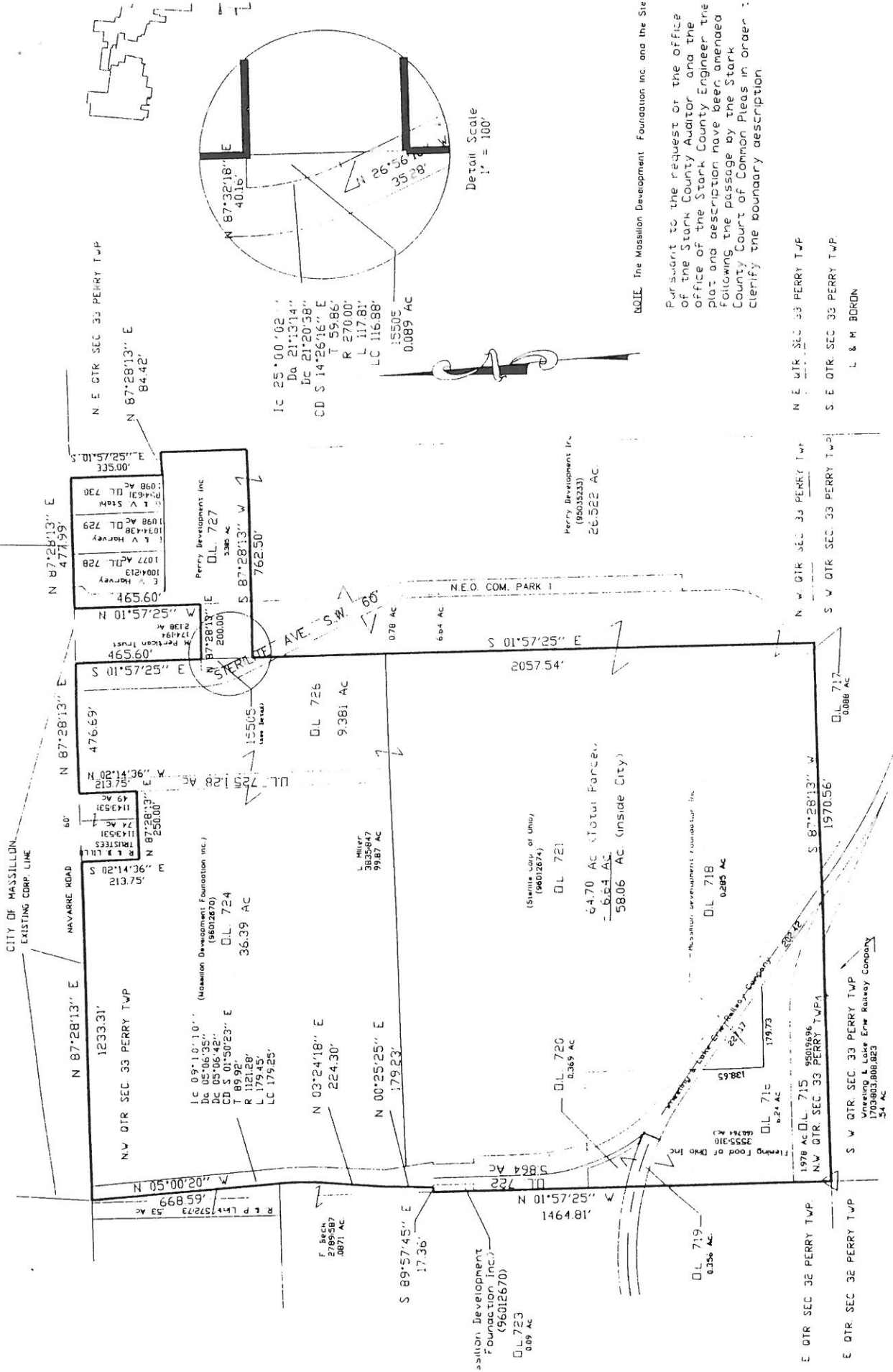
PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1997

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

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



CITY OF MASSILLON  
EXISTING CORP. LINE



NOTE: The Massillon Development Foundation Inc. and the Site  
Pursuant to the request of the office  
of the Stark County Auditor and the  
office of the Stark County Engineer the  
plat and description have been amended  
following the passage by the Stark  
County Court of Common Pleas in order to  
clarify the boundary description

N E QTR SEC 33 PERRY TWP  
S E QTR SEC 33 PERRY TWP  
L & M BORDON

N W QTR SEC 33 PERRY TWP  
S W QTR SEC 33 PERRY TWP

E QTR SEC 32 PERRY TWP  
S W QTR SEC 33 PERRY TWP  
Vineyard & Lake Erie Railway Company  
1703803.808.823  
54 AC

DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 153 - 1997

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT, in 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT of Ordinance No. 127-1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DIRECTOR DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT SHEET "OCCUPATION LIST OF CLASS TITLES" PAGE 1; AND  
INSERT IN YOUR SALARY ORDINANCE 127-1997)

Section 3:

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

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

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

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

## OCCUPATION LIST OF CLASS TITLES

### SCHEDULE CODE:

SU	SUPERVISORY	A	AFSCME	CL	CLASSIFIED
F	FIRE	UN	UNCLASSIFIED	P	POLICE
WW	WASTEWATER	MS	MISCELLANEOUS	SE	SEASONAL
EL	ELECTED				

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
<u>CITY COUNCIL</u>			105
	EL	Council Members	
12S	UN	Administrative Assistant/Council Clerk	
9S	UN	Council Clerk	
	MS	Steno Clerk - Part Time	
<u>MAYOR</u>			110
	EL	Mayor	
12S	UN	Administrative Assistant	
<u>LAW DIRECTOR</u>			115
	EL	Law Director	
24S	UN	Police Prosecutor/Asst Law Director (2)	
12S	UN	Administrative Assistant	
9S	UN	Secretary	
<u>PART TIME/TEMPORARY/SEASONAL</u>			
	MS	Chief Pol. Pros/Asst Law Director	
	MS	Assist. Pol. Prosecutors (2)	
	MS	Legal Clerk	
	MS	*Office Worker	
<u>MUNICIPAL COURT</u>			3.0125
	EL	Judges	
	EL	Magistrate	
15S	SU UN	Court Administrator	
12S	UN	Administrative Assistant I	
9S	UN	Administrative Assistant II	
6S	UN	Secretary	
	MS	Security Supervisor	
	MS	Security Officer	
<u>CLERK OF COURTS</u>			130
	EL	Clerk of Courts	
	EL	Deputy Clerks	

DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 154 - 1997

BY: SEWER AND WASTE COMMITTEE

TITLE: 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 for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary 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 laboratory services at the Wastewater Treatment Plant in the City of Massillon.

Section 2:

That the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to 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, according to law, as authorized in Section 1 of this Ordinance.

Section 3:

That 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 to enter into contract in that the present contract expires on September 20, 1997. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

DATE: August 18, 1997

CLERK: SHARON HOWELL

COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 155 - 1997

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into easement agreements for property located in the Southwest Quarter of Section 21 and the Southwest Quarter of Section 22 located in Perry Township for the purpose of constructing, installing and maintaining the Nave-Richville Sanitary Sewer Extension, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety is hereby authorized to enter into easement agreements for property located in the Southwest Quarter of Section 21 and the Southwest Quarter of Section 22 located in Perry Township for the purpose of constructing, installing and maintaining the Nave-Richville Sanitary Sewer Extension.

Section 2:

That this Ordinance is hereby declared to be an emergency measure for the reason that it is necessary to enter into the easement agreements for the purpose of completing the Nave-Richville Sanitary Sewer Extension and is necessary for the preservation of the health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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



DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 156 - 1997

BY: FINANCE COMMITTEE

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

\$ 8,500.00 FROM: "Hosp./Eye/Dental/Life/P.E.R.S." 1100.705.2210

\$ 6,000.00 TO: "P.E.R.S." 1100.440.2230

\$ 2,500.00 TO: "P.E.R.S." 1100.710.2230

\$ 2,000.00 FROM: "Unsettled Claims" 1100.145.2343

\$ 1,000.00 TO: "Computer Supplies & Schools" 1100.130.2421

\$ 1,000.00 TO: "Postage" 1100.130.2350

Section 2:

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:

\$10,699.96 FROM: "Real Estate Taxes" 1234.505.2391

TO: "Contractual Services" 1234.510.2392

Section 3:

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 various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Fund, Emergency Home Repair Fund, UDAG B-81-AB-39-0097 Towne Plaza Fund and the Restaurant License 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:

\$ 70,000.00 to an account entitled "Salary" 2101.610.2110  
\$ 29,000.00 to an account entitled "P.E.R.S." 2101.610.2230  
\$ 3,500.00 to an account entitled "City Share Medicare" 2101.610.2231  
\$ 600.00 to an account entitled "Hosp./Eye/Dental/Life/P.E.R.S." 2101.610,2210

Section 2:

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

\$ 4,662.44 to an account entitled "Emergency Home Repair" 1228.845.2814

Section 3:

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

\$ 2,500.00 to an account entitled "Bridge Study" 1217.840.2510

Section 4:

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

\$ 1,200.00 to an account entitled "Travel/Seminar/Schooling" 1211.720.2389

Section 5:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the aforesaid departments of the City of Massillon, Ohio, and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

APPROVED:

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

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 18, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing the Director of Law and his co-counsel to file a cross-appeal of the decision from the Stark County Common Pleas Court of the Massillon Community Hospital declaratory judgment action, and declaring an emergency.

WHEREAS, on July 11, 1997, the Stark County Court of Common Pleas filed a decision concerning the City of Massillon's declaratory judgment action against the Massillon Community Hospital and The Health Group; and

WHEREAS, the decision was favorable to the City of Massillon on the main issue that the City had a future interest in the hospital and the real estate on which it is located; and

WHEREAS, the Court ruled against the City on several of the issues that were presented at trial; and

WHEREAS, on August 5, 1997, the Board of Director of The Health Group announced that it will appeal the decision of the Court, and

WHEREAS, it will be in the best interest of the citizens of Massillon that the City file an appeal as to the issues in which the Court did not find in favor of the City,

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

Section 1:

It is necessary and it is in the best interest of the community of Massillon that a cross-appeal be filed in order to appeal the issues in which the City of Massillon did not prevail in the declaratory judgment action against the Massillon Community Hospital and The Health Group.

Section 2:

The Director of Law of the City of Massillon and his co-counsel are hereby authorized to file a cross-appeal to appeal the issues in which the City of Massillon did not prevail.

Section 3:

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

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare, and safety, and for the additional reason that it is necessary to file the appeal so that the Court of Appeals may determine whether the Court of Common Pleas erred in ruling against the City of Massillon on certain issues presented at trial. 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