

AGENDA

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

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

MR. POOLE - Absent
MR. BRYAN - Absent

ORDINANCE NO. 187 - 1997 BY: HEALTH, WELFARE & BUILDING REGULATIONS

187
AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by repealing existing Section 505.14(c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", enacting a new Section 505.14 (c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", and declaring an emergency.

ORDINANCE NO. 188 - 1997 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

188
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 189 - 1997 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids according to law, and enter into contract with the lowest and best bidder, for the Shriver and Lincoln Playground ("Bottoms") fencing and backstop project, and declaring an emergency. B/C

ORDINANCE NO. 190 - 1997 BY: PARKS AND RECREATION COMMITTEE

P
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with GPD Associates for professional services pertaining to the Sippo Valley Corridor Project, and declaring an emergency. B/C

ORDINANCE NO. 191 - 1997 BY: PARKS AND RECREATION COMMITTEE

191
(6-1 for emergency)
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement to purchase the building at North Sippo Park, referred to as the Pump House from the Massillon Museum Foundation, Inc., and said building shall be designated as park land and a park structure, and declaring an emergency. B/C

ORDINANCE NO. 192 - 1997 BY: FINANCE COMMITTEE

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

ORDINANCE NO. 193 - 1997 BY: FINANCE COMMITTEE

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

ORDINANCE NO. 194 - 1997 BY: FINANCE COMMITTEE

P
AN ORDINANCE making certain transfers in the 1997 appropriation from the Garage fund to the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 195 - 1997 BY: COMMITTEE OF THE WHOLE

P
AN ORDINANCE authorizing and directing the Director of Law to dismiss the cross-appeal that was filed by the City of Massillon of the Massillon Community Hospital declaratory judgment action, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS

~~10.~~ REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR SEPTEMBER 1997
C). AUDITOR SUBMITS MONTHLY REPORT FOR SEPTEMBER 1997

~~11.~~ REPORTS OF COMMITTEES

~~12.~~ RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

~~13.~~ CALL OF THE CALENDAR

ORDINANCE NO. 151 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P
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.

~~14.~~ THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 174 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

10/20 6:45 PM
Tabbed
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from I-1 Light Industrial to A-1 Agricultural, and declaring an emergency.

ORDINANCE NO. 175 - 1997

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

10/20 7:00 PM
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Jackson Township to Massillon Zoning, 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

SHARON HOWELL
COUNCIL CLERK

J THERE IS A PUBLIC HEARINGS SCHEDULED PRIOR TO THE MEETING

ORDINANCE NO. 151 - 1997 AT 7:00 P.M.

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 187 - 1997

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by repealing existing Section 505.14(c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" and enacting a new Section 505.14(c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", 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 505.14(c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there is hereby enacted a new Section 505.14(c) & (g) "Keeping of Certain Animals Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon and which shall read as follows:

504.14 KEEPING OF CERTAIN ANIMALS PROHIBITED

(c) For purposes of this section, there shall be an irrebuttable presumption that, when kept or maintained within the City, the animals listed below are considered dangerous animals to which the prohibition of subsection (b), in the absence of an exemption pursuant to subsections (d) or (e) below applies:

- (1) All crotalid, elapid and venomous colubroid snakes;
- (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus);
- (3) Baboons (Papoi, Mandrillus);
- (4) Bears (Ursidae);
- (5) Birds of prey;
- (6) Bison (Bison);
- (7) Cheetahs (Acinonyx jubatus);
- (8) Crocodilians (Crocodilia);
- (9) Constrictor snakes;
- (10) Coyotes (Canis latrans);
- (11) Deer (Cervidae, includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose);
- (12) Elephants (Elephas and Loxodonta);
- (13) Foxes (Canis vulpes);
- (14) Game cocks and other fighting birds;
- (15) Hippopotami (Hippopotamidae);
- (16) Hyenas (Hyaenidae);
- (17) Jaguars (Panthera onca);
- (18) Leopards (Panthera pardus);
- (19) Lions (Panthera leo);
- (20) Lynxes (Lynx);
- (21) Monkeys, old world (Cercopithecidae);
- (22) Ostriches (Struthio);
- (23) Piranha fish (Characidae);
- (24) Poisonous spiders;
- (25) Pumas (Felis concolor), also known as cougars, mountain lions and panthers;
- (26) Raccoons;
- (27) Rhinoceroses (Rhinocero tidae);
- (28) Scorpions;
- (29) Sharks (class Chondrichthyes);
- (30) Skunks;
- (31) Snow leopards (Panthera uncia);
- (32) Singing insects (except honey bees);
- (33) Swine (Suidae);
- (34) Tigers (Panthera tigris);
- (35) Venomous fish;
- (36) Wolves (Canis Lupus) (Hybrids);
- (37) Scorpions;

- (g) Whoever violates any of the provisions of this section is guilty of a 4th degree misdemeanor for the first offense with an enhancement to 3rd degree misdemeanor for any subsequent offenses. A separate offense should be as deemed committed for each day during or where a violation occurs or continues.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning the prohibition of keeping certain animals within the City 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: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 188 - 1997

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE 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 - GOLF COURSE DEPARTMENT of Ordinance No. 127-1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE 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 8; 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 Golf Course 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

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
<u>HEALTH DEPT CONTINUED</u>			
9S	CL	Registrar of Vital Statistics	
8S	CL	Registrar of Vital Statistics	
8S	CL	Clerk Typist II Deputy Registrar	
7S	CL	WIC Clerk	
6S	CL	Clerk Typist II	
<u>PART TIME/TEMPORARY/SEASONAL</u>			
	MS	Health Comm. (Appt..)	
	MS CL	Sanitarian (entry)	
	MS CL	Acting Health Come.	
	MS CL	Medical Director	
	MS CL	WIC Prof/Nutritionist	
	MS CL	WIC Staff Prof (entry)/Public Health Nurse I	
	MS CL	WIC Clerk	
<u>COMM. DEV./PLANNING</u>			845
26S	SU UN	Community Development Director And Economic Development Director	
19S	SU UN	Housing Director	
16S	CL	Building Inspector	
15S	SU UN	Youth Director	
9S	CL	Secretary/Bookkeeper	
8S	UN	Housing Clerk/Secretary	
6S	UN	Clerk Typist II	
5S	CL	Clerk Typist I	
5S	CL	Relocation Aide	
<u>SUMMER YOUTH PROG.</u>			845
<u>PART TIME/TEMPORARY/SEASONAL</u>			
	MS	SESP Administrator (6 Hr. Limit)	
	MS	Cook	
	MS	Aide	
	MS	Site Coordinator	
	MS	Secretary/Janitor (6 Hr. Limit)	
	MS	Cook Helper/Youth Center	
	MS	SYPE Coordinator	
	MS	SYPE Counselor	
	MS	SYPE Teachers	
<u>GOLF COURSE DEPT</u>			920
18S	SU UN	Golf Course Superintendent	
15S	UN	*Assistant Golf Course Superintendent	
12S	UN	Greens keeper I	
8S	UN	Greens keeper II	
3S	UN	Secretary/Bookkeeper	

CONTINUED.....

DATE: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 189 - 1997

BY: PARKS AND RECREATION 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 according to law, and enter into contract with the lowest and best bidder, for the Shriver and Lincoln Playground ("Bottoms") fencing and backstop project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids according to law, and enter into contract with the lowest and best bidder, for the Shriver and Lincoln Playground ("Bottoms") fencing and backstop project.

Section 2:

That the Director of Public Service and Safety and the Parks and Recreation Board of the City of Massillon, Ohio, are hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract with the lowest and best bidder for the Shriver and Lincoln Playground ("Bottoms") fencing and backstop project.

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 it is necessary that the Parks and Recreation Department advertise for this so that the fencing and backstops may be installed prior to the 1998 softball and baseball season. 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: October 6, 1997 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 190 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement, without competitive bidding, with GPD Associates for professional services pertaining to the Sippo Valley Corridor Project, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement, without competitive bidding, with GPD Associates for professional services pertaining to the Sippo Valley Corridor Project. The cost of said contract shall not exceed Thirty One Thousand Four Hundred Fifty Dollars (\$31,450.00).

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community and for the additional reason that the professional services are needed prior to the construction of the Sippo Valley Corridor 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: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 191 - 1997

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement to purchase the building at North Sippo Park, referred to as the Pump House from the Massillon Museum Foundation, Inc., and said building shall be designated as park land and a park structure, and declaring and 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 an agreement to purchase the building at North Sippo Park, referred to as the Pump House from the Massillon Museum Foundation, Inc., and said building shall be designated as park land and a park structure.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described building for Thirty-Five Thousand Dollars (\$35,000.00) and upon the execution and approval of purchase the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said building.

Section 3:

That this Ordinance is hereby 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 the building is needed for park purposes. 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: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 192 - 1997

BY: FINANCE COMMITTEE

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

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

Section 1:

There be and hereby is transferred from the 1997 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 5,000.00 FROM: "Auditor/Treasurer Fees" 1100.905.2394

\$ 5,000.00 FROM: "Workers Comp." 1100.905.2270

\$ 5,000.00 FROM: "Accum Sick" 1100.905.2150

\$15,000.00 TO: "Refunds" 1100.210.2720

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay City income tax refunds 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: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 193 - 1997

BY: FINANCE COMMITTEE

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

\$ 10,435.41 to an account entitled "Transfer To" 2201.440.2710

Section 2:

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

\$ 4,253.86 to an account entitled "Mural Phase III" 3112.905.2510

Section 3:

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 various departments 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: October 6, 1997

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 194 - 1997

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1997 appropriation from the Garage Fund to the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 1997 appropriation from the Garage Fund to the General the following:

\$10,435.41 FROM: "Transfer To" 2201.440.2710
TO: "Transfer In" 1100.905.1860

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to close the Garage Fund and transfer the remaining balance to the General Fund 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

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 195 - 1997

BY: COMMITTEE OF THE WHOLE

TITLE: AN ORDINANCE authorizing and directing the Director of Law to dismiss the cross-appeal that was filed by the City of Massillon 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 Directors of The Health Group announced that it will appeal the decision of the Court, and

WHEREAS, on August 18th, 1997, Massillon City Council passed Ordinance No. 158 - 1997 in which the Director of Law was authorized to file a cross-appeal of the Common Pleas Court decision, and

WHEREAS, the City and the Hospital now desire to end the legal battle and to abide by Judge James Gwin's decision, and

WHEREAS, it will be in the best interest of the citizens of Massillon and the Massillon Community Hospital that both parties dismiss its appeals, and

WHEREAS, any future sale of the hospital will need the approval of Massillon City Council because of the interest the City has as determined by the Stark County Common Pleas Court, and

WHEREAS, the Board of Trustees of the Hospital have represented to the City that if they decide to seek proposals for the sale of the hospital, that they would allow the representatives of the City to be involved from the drafting of specifications to the negotiations of the sale of the hospital to a for profit organization;

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

Section 1:

It is necessary and in the best interest of the community of Massillon that the cross-appeal filed by the City of Massillon of the decision of the Stark County Common Pleas Court of the Massillon Community Hospital declaratory judgment action be dismissed.

Section 2:

The Director of Law of the City of Massillon is hereby authorized and directed to dismiss the cross-appeal that was filed with the 5th District Court of Appeals regarding the Massillon Community Hospital declaratory judgment action.

Section 3:

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 dismissal of the cross-appeal so that the City of Massillon and the Massillon Community Hospital can work together to assure that the hospital remains a valuable community asset. 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