

AGENDA

DATE: NOVEMBER 2, 1998
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 *Executive Session Agenda amended to add ord. 240 - 1998*
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 231 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

P AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW 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. 232 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

LM ✓ P AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency. *Key Bank House #1's*

ORDINANCE NO. 233 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

JJD ✓ P AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an easement agreement for property located on Out Lot 737, in the City of Massillon, for the purpose of constructing, installing and maintaining a storm sewer for University Drive, and declaring an emergency.

ORDINANCE NO. 234 - 1998

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Mayor to accept a Grant from the Ohio Department of Public Safety (STEP Grant) for use by the Massillon Police Department, and declaring an emergency.

ORDINANCE NO. 235 - 1998

BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the Auditor to pay a bill from Excalibur Fence Company for an amount that exceeded the original contract price by more than 10%, and declaring an emergency. *- Parks & Rec*

ORDINANCE NO. 236 - 1998

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Capital Improvement Fund, Muni Road Fund, Solid Waste Fund, Wastewater Treatment Fund, Park and Rec Fund, Massillon Museum Fund, Massillon Mural Fund, Sewer O&M Fund, UDAG B-81-AB-39-0097 (Towne Plaza) Fund and ADR Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, and declaring an emergency. *file SDR*

ORDINANCE NO. 237 - 1998

BY: FINANCE COMMITTEE

P AN ORDINANCE reducing the appropriated balance of the Fire Pension Fund and the Employee Insurance Fund, of the City of Massillon, Ohio, for the year ending December 31, 1997, and declaring an emergency.

ORDINANCE NO. 238 - 1998

BY: FINANCE COMMITTEE

P AN ORDINANCE making certain transfers in the 1998 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 239 - 1998

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

1st ✓ P AN ORDINANCE establishing a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1999 golf season, and declaring an emergency.

file ✓ P → *ORD # 240 - 1998 - R/R - R/W Acquisition - South*

RESOLUTION NO. 18 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

Denial A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on October 8, 1998, wherein the Zoning Board of Appeals did not approve a certain variance as it relates to property owned by Mr. Roger P. Dixon and Known as Lot No. 9732 located at 1289 Cherry road N.W., in the City of Massillon, Ohio, and declaring an emergency.

NOVEMBER 2, 1998

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE TO PORTS PETROLEUM CO., INC., DBA FUEL MART #617 522 ERIE STREET, MASSILLON, OHIO, 44646

B). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM DAVID D. HOLLINGER, DBA TRACKS, 522 THIRD STREET S.E., FIRST FLOOR AND BASEMENT, MASSILLON, OHIO, 44646 TO DEBORAH A. KNEPPER, DBA TRACKS, 522 THIRD STREET S.E., FIRST FLOOR AND BASEMENT, MASSILLON, OHIO, 44646.

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

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR OCTOBER - 1998
- B). AUDITOR SUBMITS MONTHLY REPORT FOR OCTOBER - 1998
- C). TREASURER SUBMITS MONTHLY REPORT FOR SEPTEMBER - 1998

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR

ORDINANCE NO. 213 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from A-1 Agricultural to R-2 Single Family Residential, and declaring an emergency.

ORDINANCE NO. 214 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family to B-2 Central business, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 222 - 1998 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE vacating a certain public alley, and declaring an emergency.

ORDINANCE NO. 223 - 1998 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 single Family Residential to I-1 Light Industrial and O-1 Office, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 228 - 1998 BY: RULES, COURTS & CIVIL SERVICE COMM.

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

ORDINANCE NO. 230 - 1998 BY: RULES, COURTS & CIVIL SERVICE COMM.

AN ORDINANCE amending the Codified Ordinances of the City of Massillon by enacting a new CHAPTER 152 "PUBLIC RECORDS", and declaring an emergency.

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

SHARON HOWELL
COUNCIL CLERK

THERE ARE TWO PUBLIC HEARINGS THIS EVENING
ORDINANCE NO. 213 - 1998 AT 7:00 P.M.
ORDINANCE NO. 214 - 1998 AT 7:15 P.M.

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 231 - 1998

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - LAW 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.

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 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 DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 1; AND INSERT IN THE 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 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 _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, 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	
20S	UN	* Prosecutor	
12S	UN	Administrative Assistant	
9S	UN	Secretary	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Chief Pol. Pros/Asst Law Director	
	MS	Assist. Pol. Prosecutors	
	MS	Legal Clerk	
	MS	Office Worker	
		<u>MUNICIPAL COURT</u>	125
	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	
	MS	Mediator	
	MS	Cooperative Business Education Student	
		<u>CLERK OF COURTS</u>	130
	EL	Clerk of Courts	
	EL	Deputy Clerks	

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 232 - 1998

BY: COMMUNITY DEVELOPMENT & 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 Jackson and Perry Townships, was duly filed by Aane Aaby, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on August 26, 1998, and

WHEREAS, the Board of County Commissioners on August 26, 1998, approved the annexation of said territory to the City of Massillon as hereinafter described, and

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, to the City Auditor of the City of Massillon, who received same on August 27, 1998, 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 Aane Aaby, 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 and being part of the Southwest Quarter Section 33 of Jackson Township and part of the Northwest Quarter Section 4 of Perry Township, Stark County, State of Ohio and being further described as follows:

Beginning at a point on the centerline of Hills & Dales Road Northeast and the southwest corner of a parcel of land presently or previously owned by Harter Bank and Trust Company, as recorded in deed volume 3741 page 135 as recorded at the Stark County Recorder, said point also being on the existing City of Massillon Corporation Line, and the true place of beginning;

Thence following said existing City of Massillon Corporation line the following courses:

N 04°25'00" E, a distance of 331.31' to a point;

Thence S 85°35'00" E, a distance of 170.00' to a point;

Thence on a curve to the left having a chord bearing of S 00°33'14" W and a chord length of 182.38', a central angle of 07°43'32" and a arc distance of 182.52' to a point;

Thence on a curve to the right having a chord bearing of S 31°33'55" W and a chord length of 28.59', a central angle of 69°44'11" and a arc distance of 30.43' to a point;

Thence S 66°26'00" W, a distance of 14.17' to a point;

Thence S 04°25'00" W, a distance of 33.97' to a point, said point being on the centerline of Hills & Dales Road NE and corporation line;

Thence S 66°26'00" W, along said centerline a distance of 177.48' to a point, said point being the true place of beginning, containing 1.120 acres in the Southwest Quarter Section 33 of Jackson Township and 0.009 acres in the Northwest Quarter Section 4, Perry Township. Total acreage in annexation is 1.129 acres, more or less.

Section 2:

The City Council Clerk be and hereby is 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.

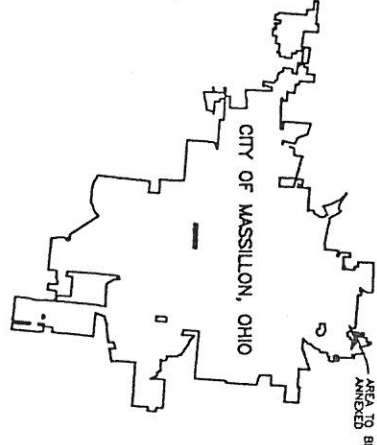
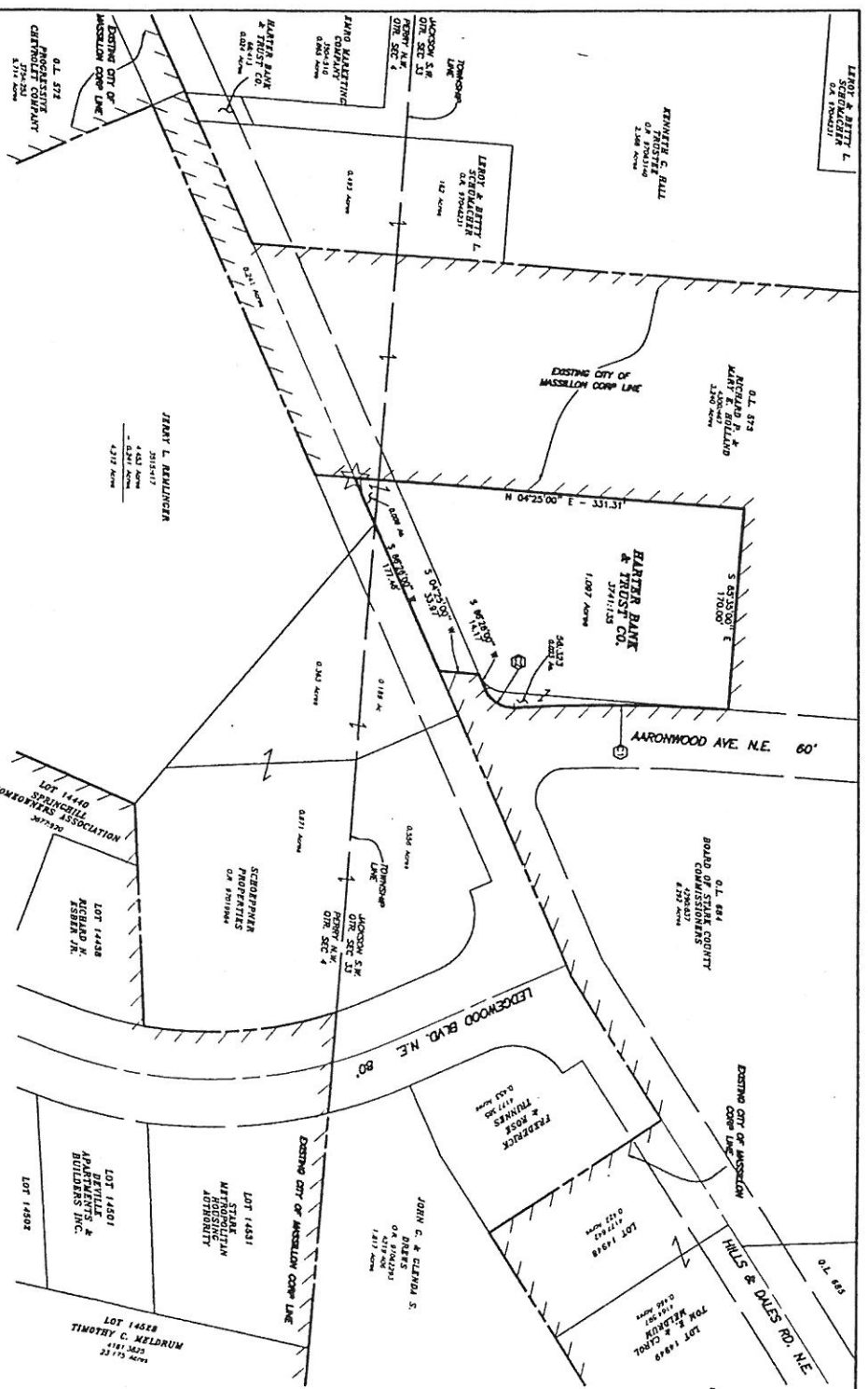
Section 4:

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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO

LOCATION MAP - NOT TO SCALE

Total Area in Annexation 1.128 Acres

Area of State Highways 0 Acres

Area of County Roads 0 Acres

Area of Township Roads 0 Acres

S.W. 1/4, Section 33, Jackson Twp., 1.120 Acres

N.W. 1/4, Section 4, Perry Twp., 0.008 Acres

SURVEYOR'S CERTIFICATION

I hereby certify that this is a true description of that tract to be annexed as compiled from deeds of record and recent plat.

RECORDED SURVEY NO. _____

MASSILLON CITY COUNCIL

Accepted by the City Council of Massillon, Ohio Ordinance No. _____

Passed this _____ day of _____, 19__.

CITY CLERK

City of _____ day of _____, 19__.

COUNTY AUDITOR

Entered this _____ day of _____, 19__.

COUNTY RECORDER

Recorded for record this _____ day of _____, 19__.

Recorded in Vol. _____ Page _____ this _____ day of _____, 19__.

STARK COUNTY COMMISSIONERS

Approved for annexation by the Stark County Commissioners.

Adopted this _____ day of _____, 19__.

STARK COUNTY COMMISSIONERS

Approved for annexation by the Stark County Commissioners.

Adopted this _____ day of _____, 19__.

BASES OF BEARING

The bearings are based on S. 85°21'42" E. for the Township Line and on the intersection of the Township Line with the Section Line. The bearings are based on the intersection of the Township Line with the Section Line. The bearings are based on the intersection of the Township Line with the Section Line.

2-87°44'11" W
2-87°44'11" W
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2-87°44'11" W

DATE: November 2, 1998

CLERK: SHARON HOWELL

COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 233 - 1998

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an easement agreement for property located on Out Lot 737, in the City of Massillon, for the purpose of constructing, installing and maintaining a storm sewer for University Drive, 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 an easement agreement for property located on Out Lot 737, in the City of Massillon, for the purpose of constructing, installing and maintaining a storm sewer for University Drive.

Section 2:

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 constructing, installing and maintaining the storm sewer for University Drive, and is necessary to 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 _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 234 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept a Grant from the Ohio Department of Public Safety (STEP Grant) for use by the Massillon Police Department, and declaring an emergency.

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

Section 1:

The Mayor is hereby authorized to accept a Grant from the Ohio Department of Public Safety (STEP Grant) for use by the Massillon Police Department.

Section 2:

The said amount of the (STEP Grant) shall be Thirty-Five Thousand Dollars (\$ 35,000.00)

Section 3:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community and that the grant is necessary to off set the cost of officers working special traffic patrols in high accident areas during high accident times and to purchase two laser speed measuring devices. 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: NOVEMBER 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 235 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay a bill from Excalibur Fence Company for an amount that exceeded the original contract price by more than 10%, 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 a bill from Excalibur Fence Company for an amount that exceeded the original contract price by more than 10%. The original contract was for \$8,500.00 but due to unforeseen circumstances additional work had to be performed increasing the amount billed to \$9,800.00.

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 payment of additional costs due to unforeseen circumstances, and 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 form and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 236 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, Capital Improvement Fund, Muni Road Fund, Solid Waste Fund, Wastewater Treatment Fund, Park and Rec Fund, Massillon Museum Fund, Massillon Mural Fund, Sewer O&M Fund, UDAG B-81-AB-39-0097 (Town Plaza) Fund and ADR Fund, of the City of Massillon, Ohio, for the year ending December 31, 1998, 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 General Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$862,000.00 to an account entitled "Transfer To" 1100.905.2710
\$ 15,000.00 to an account entitled "S.C.O.G." 1100.905.2370
\$ 5,500.00 to an account entitled "Salary Prosecutor" 1100.116.2111
\$ 3,000.00 to an account entitled "Fees" 1100.905.2394
\$ 800.00 to an account entitled "Health" 1100.116.2210
\$ 250.00 to an account entitled "Supplies" 1100.116.2410
\$ 83.00 to an account entitled "Medicare" 1100.116.2231
\$ 60.00 to an account entitled "Travel, Seminar, Schooling" 1100.116.2389

Section 2:

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, 1998, the following:

\$500,000.00 to an account entitled "Parking Deck Construction" 1401.410.2510
\$185,000.00 to an account entitled "Land Acquisition" 1401.410.2590
\$177,000.00 to an account entitled "Land Acquisition" 1401.410.2591

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Muni Road Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$231,977.00 to an account entitled "Return Advance" 1409.435.2750 - *LWE & LWW*

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 67,000.00 to an account entitled "Solid Waste Salary" 2102.605.2110

Section 5:

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, 1998, the following:

\$ 40,000.00 to an account entitled "Salary WWT" 2101.610.2110

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Park and Rec Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 22,000.00 to an account entitled "Park and Rec Salary" 1234.505.2110
\$ 1,800.00 to an account entitled "P.E.R.S." 1234.510.2230
\$ 901.00 to an account entitled "P.E.R.S." 1234.505.2230

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Massillon Museum Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 15,548.85 to an account entitled "Massillon Museum Holding" 3110.905.2379
\$ 60.53 to an account entitled "Fees" 3110.905.2393

Section 8:

There be and hereby is appropriated from the unappropriated balance of the Massillon Mural Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 6,000.00 to an account entitled "Mural Project" 3112.905.2370

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Sewer O&M Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 5,000.00 to an account entitled "West Massillon Sanitary Easements"
"2101.615.2511

Section 10:

There be and hereby is appropriated from the unappropriated balance of the ADR Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 2,300.00 to an account entitled "Salary ADR" 1100.125.2110

Section 11:

There be and hereby is appropriated from the unappropriated balance of the UDAG B-81-AB-39-0097 (Town Plaza) Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 2,000.00 to an account entitled "Annexation Costs" 1217.840.2391

Section 12:

There be and hereby is appropriated from the unappropriated balance of the Police Pension Fund of the City of Massillon, Ohio, for the year ending December 31, 1998, the following:

\$ 626.10 to an account entitled "Police Pension" 3103.330.2240

Section 13:

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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 237 - 2998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriated balance of the Fire Pension Fund, and the Employee Insurance 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:

The appropriated balance of the Fire Pension Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 34,891.35 to an account entitled "Fire Pension Fund" 3102.335.2250

Section 2:

The appropriated balance of the Employees Insurance Fund of the City of Massillon, Ohio, be and hereby is reduced for the year ending December 31, 1998, as follows:

\$ 24,000.00 to an account entitled "Employees Insurance" 3103.905.2310

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to 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 _____ 1998

APPROVED:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 238 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1998 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 is hereby transferred from the 1998 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$862,000.00 FROM: "Transfer To" 1100.905.2710
TO: "Transfer From" 1401.210.1860

Section 2:

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 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: November 2, 1998CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 239 - 1998

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE establishing a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1999 golf season, 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 that it is necessary to establish a rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1999 golf season.

Section 2:

It is hereby determined that the following rate schedule for fees to be charged at The Legends of Massillon Golf Course for the 1999 golf season is hereby approved and accepted by this Council.

THE LEGENDS OF MASSILLON 1999 RATE SCHEDULE9 HOLES WEEKDAY (Mon.-Thur) 18 HOLES WEEKDAY (Mon.-Thurs) 18 HOLES FRIDAY

Walking \$12.00
Riding \$17.00

Walking \$22.00
Riding \$32.00

Walking \$25.00
Riding \$35.00

9 HOLES WEEKEND

Walking \$18.00
Riding \$23.00

18 HOLES WEEKEND

Walking \$34.00
Riding \$44.00

SENIOR/JUNIOR DAYS (Mon.-Thur.)

9 Holes Walking \$ 8.00
9 Holes Riding \$ 13.00
18 Holes Walking \$ 14.00
18 Holes Riding \$ 24.00

HOTEL PACKAGE RATES

Weekday \$ 32.00
Friday \$ 35.00
Sat., Sun., Holiday \$ 38.00

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that it is necessary that the rate schedule be approved in that the golf season will soon begin, and that it is necessary to publish the rates, 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 240 - 1998

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to send a letter to the Surface Transportation Board stating the City's desire and intent to acquire the railroad right-of-way owned by the Wheeling and Lake Erie Railroad, 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 is hereby authorized directed to send a letter to the Surface Transportation Board stating the City's desire and intent to acquire the railroad right-of-way owned by the Wheeling and Lake Erie Railroad.

Section 2:

Said property that the Mayor will be expressing desire and intent to acquire is described as follows:

Being known as The Massillon Branch, in Stark County, Ohio, extends from mile post 22.05 at run Junction near Navarre, Ohio, to the end of the track at milepost 16.40, near Massillon, Ohio, a total distance of approximately 5.65 miles.

Section 3:

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 the intent to acquire said property is needed so that the Wheeling and Lake Erie Railroad may negotiate with the City in good faith for the sale of said property. 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 _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: November 2, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 18 - 1998

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on October 8, 1998, wherein the Zoning Board of Appeals did not approve a certain variance as it relates to property owned by Mr. Roger P. Dixon and known as Lot No. 9732 located at 1289 Cherry Road N.W., in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Massillon Zoning Board of Appeals on October 8, 1998, denied a request for a variance that would have allowed the erection of an already standing 12' x 16' detached accessory building in the front yard for the purpose of selling produce on property which is owned by Roger P. Dixon.

WHEREAS, on October 13, 1998, a Notice of Appeal pursuant to Section 1129.09 of the Massillon Zoning Code has been filed with the Clerk of Council by Mr. Roger P. Dixon, owner of property known as Lot No. 9732 located at 1289 Cherry Road N.W., in the City of Massillon, Ohio, appealing a decision in Case No. 849 of the Massillon Zoning Board of Appeals.

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, Ohio, deems it is in the best interest for proper community growth to reverse the decision of the Massillon Zoning Board of Appeals made on October 8, 1998, in Case No. 849, in regards to the property owned by Mr. Roger P. Dixon, at 1289 Cherry Road N.W.

Section 2:

This Council determines that the variance requested by Mr. Roger P. Dixon in Case No. 849 for the Zoning Board of Appeals is hereby approved and adopted.

Section 3:

This Resolution is declared to be an emergency measure in that the reversal of the decision of the Massillon Zoning Board of Appeals is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR