

AGENDA

DATE: APRIL 5, 1999
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

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

ORDINANCE NO. 52 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

AN ORDINANCE repealing Section 3 of Ordinance No. 37 - 1999 and enacting a new Section 3 of Ordinance No. 37 - 1999, and declaring an emergency.

ORDINANCE NO. 53 - 1999 BY: 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.

ORDINANCE NO. 54 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with Hammontree and Associates for professional services to develop construction drawings and documents for the NEOCOM I Industrial Park No. 1, and declaring an emergency.

ORDINANCE NO. 55 - 1999 BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Stark County Park District (a political subdivision) for the Ohio & Erie Canal Trail construction in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 56 - 1999 BY: SEWER AND WASTE DISPOSAL COMMITTEE

AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the codified Ordinances of the City of Massillon, by repealing existing Section 925.20(c) "General Discharge Prohibitions" of CHAPTER 925 "SEWERS GENERALLY" and enacting a new Section 925.20(c) "General Discharge Prohibitions" of said CHAPTER 925 "SEWERS GENERALLY", and declaring an emergency.

ORDINANCE NO. 57 - 1999 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to enter into an agreement with Massillon Cable T.V., Inc. for the leasing of The Showmobile for a period of five (5) years, and declaring an emergency.

APRIL 5, 1999

ORDINANCE NO. 58 - 1999 BY: FINANCE COMMITTEE

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AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund, Capital Improvement Fund and the General fund for the year ending December 31, 1999, 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 MARCH - 1999**
 - B). AUDITOR SUBMITS MONTHLY REPORT FOR MARCH - 1999**
- 11. REPORTS OF COMMITTEES**
- 12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**
- 13. CALL OF THE CALENDAR**
- 14. THIRD READING ORDINANCES AND RESOLUTIONS**
- 15. SECOND READING ORDINANCES AND RESOLUTIONS**
- 16. NEW AND MISCELLANEOUS BUSINESS**
- 17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**
- 18. ADJOURNMENT**

**SHARON HOWELL
COUNCIL CLERK**

THERE ARE NO PUBLIC HEARING THIS EVENING

DATE: APRIL 5, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 52 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE repealing Section 3 of Ordinance No. 37 - 1999 and enacting a new Section 3 of Ordinance No. 37 - 1999, and declaring an emergency.

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

Section 1:

Section 3 of Ordinance No. 37 - 1999 be and is hereby repealed.

Section 2:

That there be and is hereby enacted a new Section 3 of Ordinance No. 37 - 1999. Said new Section 1 shall read as follows:

The cost of said contract will not exceed One Hundred Ten Thousand Dollars (\$110,000 00)

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 additional reason that it is necessary to obtain financing for the recently acquired equipment for The Legends of Massillon Golf Course. 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 _____ 1999

APPROVED _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 5, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: 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"). 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 1999 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 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 identifies 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 1999 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 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 is 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 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 1999 Program Year and thus enable it to carry out its Community Development 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 form and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

CITY OF MASSACHUSETTS - FY 1999 CDBG PROGRAM PROPOSED ACTION PLAN

PROJECT NAME	APPLICANT	DESCRIPTION	AMOUNT ALLOCATED
Housing Activities			
City Housing Rehabilitation	Community Development Dept	Homeowner & Rental Housing Rehabilitation	\$200,000.00
NHS of Massillon	NHS of Massillon	Acquisition & Rehabilitation of Existing Housing	\$100,000.00
Habitat for Humanity	Habitat for Humanity	New Housing Construction	\$50,000.00
Neighborhood Facilities & Improvements			
LMI Street Resurfacing	City Engineer's Office	Street Resurfacing in LMI neighborhoods	\$70,000.00
Neighborhood Partnership Program	City Council	Support for neighborhood based projects	\$60,000.00
Head Start Center	Stark Community Action Agency	Development of Massillon Head Start Facility	\$50,000.00
Walnut Hills Improvements	Walnut Hills Residential Assoc	Street lights, street paving	\$40,000.00
Joe Sparma Community Center	Joe Sparma Community Center	Renovation of north wing for youth activities	\$20,000.00
Downtown Improvements			
Downtown Rehabilitation Program	Massillon Main Street	Rehab of Downtown Buildings	\$75,000.00
Public Service Activities			
Youth Center Program	City Youth Center	Operation of City Youth Center	\$65,000.00
Elderly Homemaker Program	Westark Family Services	Homemaker services to elderly & handicapped	\$20,000.00
Housing Counseling	Massillon Urban League	Rental referrals, tenant & homeowner counseling	\$15,000.00
Family Living Center	Catholic Community Services	Homeless Shelter, Adult Day Care Services	\$10,000.00
Adult Literacy Training	Massillon Literacy Commission	Adult Literacy Training, Education & Outreach	\$5,000.00
Teen Pregnancy Prevention	Massillon Urban League	Education Program for Middle School Students	\$5,000.00
Drug Abuse Community Awareness	Mayor's Drug Task Force	Drug Abuse Education and Outreach Program	\$5,000.00
Section 108 Loan Program			
Canal View Center 108 Payment	Community Development Dept	Annual Section 108 Loan Payment to HUD	\$50,000.00
CDBG Administration Activities			
Fair Housing Program	Community Development Dept	Fair housing services, education, outreach	\$30,000.00
Planning & Administration	Community Development Dept	Planning & Administration of CDBG Program	\$130,000.00
Total Proposed Projects			\$1,000,000.00
FY 1999 Entitlement			\$923,000.00
Estimated Income			\$32,000.00
Re-Allocated Funds			\$45,000.00
Total Available CDBG Funding			\$1,000,000.00

CITY OF MASSILLON - FY 1999 CDBG PROGRAM PROPOSED ACTION PLAN

PROJECT NAME	APPLICANT	DESCRIPTION	AMOUNT ALLOCATED
Housing Activities			
City Housing Rehabilitation	Community Development Dept	Homeowner & Rental Housing Rehabilitation	\$200,000.00
NHS of Massillon	NHS of Massillon	Acquisition & Rehabilitation of Existing Housing	\$100,000.00
Habitat for Humanity	Habitat for Humanity	New Housing Construction	\$50,000.00
Neighborhood Facilities & Improvements			
LMI Street Resurfacing	City Engineer's Office	Street Resurfacing in LMI neighborhoods	\$70,000.00
Neighborhood Partnership Program	City Council	Support for neighborhood based projects	\$60,000.00
Head Start Center	Stark Community Action Agency	Development of Massillon Head Start Facility	\$50,000.00
Walnut Hills Improvements	Walnut Hills Residential Assoc	Street lights, street paving	\$40,000.00
Joe Sparma Community Center	Joe Sparma Community Center	Renovation of north wing for youth activities	\$25,000.00
Downtown Improvements			
Downtown Rehabilitation Program	Massillon Main Street	Rehab of Downtown Buildings	\$75,000.00
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Housing Counseling	Massillon Urban League	Rental referrals, tenant & homeowner counseling	\$15,000.00
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Canal View Center 108 Payment	Community Development Dept	Annual Section 108 Loan Payment to HUD	\$50,000.00
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Total Proposed Projects			\$1,000,000.00
FY 1999 Entitlement			\$923,000.00
Estimated Income			\$32,000.00
Re-Allocated Funds			\$45,000.00
Total Available CDBG Funding			\$1,000,000.00

DATE: APRIL 5, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with Hammontree and Associates for professional services to develop construction drawings and documents for the NEOCOM I Industrial Park No. 1, 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 an agreement with Hammontree and Associates for professional services to develop construction drawings and documents for the NEOCOM I Industrial Park No. 1. The cost of said contract shall not exceed Sixty-Seven Thousand Five Hundred Dollars (\$67,500.00).

Section 2:

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 reason that it is necessary to develop construction drawings and documents for the NEOCOM I Industrial Park No. 1 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 _____ 1999

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

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

DATE: April 5, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 1999

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with Stark County Park District (a political subdivision) for the Ohio & Erie Canal Trail construction 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 finds that it is necessary to enter into a contract with Stark County Park District (a political subdivision) for the Ohio & Erie Canal Trail construction, 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 with Stark County Park District (a political subdivision) for the Ohio & Erie Canal Trail construction, in the City of Massillon.

Section 3:

The cost of said contract shall not exceed the cost of Thirty Thousand Dollars (\$30,000.00) per mile.

Section 4:

Upon delivery of the aforesaid agreement, the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for said agreement and the City Auditor is authorized and directed to honor and pay said vouchers.

Section 5:

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 the City of Massillon enter into a contract with Stark County Park District (a political subdivision) for the Ohio & Erie Canal Trail construction. 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 _____ 1999

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

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

DATE: APRIL 5, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 1999

BY: SEWER AND WASTE DISPOSAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by repealing existing Section 925.20(c) "General Discharge Prohibitions" of CHAPTER 925 "SEWERS GENERALLY" and enacting a new Section 925.20(c) "General Discharge Prohibitions" of said CHAPTER 925 "SEWERS GENERALLY", 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 925.20(c) "General Discharge Prohibitions" of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there be and is hereby enacted a new Section 925.20(c) "General Discharge Prohibitions" of CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

- (c) Any wastewater having a pH less than 6.0 S.U. or higher than 10 S.U., or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

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 Wastewater Treatment 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 a 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 _____, 1999

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

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

DATE: APRIL 5, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety to enter into an agreement with Massillon Cable T.V., Inc. for the leasing of The Showmobile for a period of five (5) years, 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 to enter into an agreement with Massillon Cable T.V., Inc. for the leasing of The Showmobile for a period of five (5) years. The cost of said lease agreement shall be at an annual lease fee of One Dollar (\$1.00) per year.

Section 2:

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 to provide the citizens of Massillon with up to date information on events 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 _____ 1999

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

- d. non-profit organizations will be authorized to conduct concession stands at the band concerts and other public events. A portion of the net revenue from concession sales will be donated to the SM account. In year one, there will be no donation required. The donation beyond the first year will be negotiated annually; and
 - e. gross rental fees whenever the City rents the SM unit to any other governmental, non-profit or private organization;
- 7. MCTV and any of its affiliates may advertise on the SM free of charge. Other advertising space on the SM shall be sold to purchasers acceptable to both MCTV and City at rates mutually agreed to by the parties hereto. All such advertising, however, shall be in smaller letters and copy than that of MCTV and its affiliates.
- 8. MCTV will pay its monthly lease charges from the SM account. For any month in which the funds in said account are insufficient to pay the lease payment, MCTV shall pay the deficit and receive a credit against future income. When the funds in said account are in excess of the monthly lease payments, said funds shall be applied to pay MCTV credits and any balance shall remain in the account to be applied to future lease payments.
- 9. In the event that prior to the expiration of the five year lease, there are sufficient funds in the SM account to pay the balance of all lease payments and any prepayment penalties, said lease shall be paid in full and MCTV will transfer ownership of the SM to City.
- 10. In the event the City discontinues the band concerts prior to the expiration of the five year lease, the City will purchase the SM from MCTV for the remaining amount due on the lease payments plus any interest or early payment penalty charges. City has the option not to purchase said unit in which event MCTV will sell said unit, and in the event the sales price is not sufficient to pay all remaining lease charges, City will pay MCTV the deficiency balance.
- 11. Upon expiration of the five year lease, if the SM account is insufficient to make all lease payments and to reimburse MCTV for any credits due it, City will pay MCTV the amount of said deficiency and MCTV will transfer ownership of SM to City.
- 12. City agrees to hold MCTV harmless from any and all claims or lawsuits arising from the operation of the SM and to defend said claims or lawsuits at its expense.
- 13. In the event City acquires ownership of the SM in any manner, City will continue the free advertising to MCTV and its affiliates during the lifetime of the SM.

IN WITNESS WHEREOF, the parties hereto have executed duplicate copies of this Agreement the day and year first above written.

Signed in the presence of:

MASSILLON CABLE TV, INC.

By: _____

As to MCTV

CITY OF MASSILLON, OHIO

By: _____

As to City

«CT2:184809_1»

DATE: APRIL 5, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Economic Development Fund, Capital Improvement Fund and the General Fund for the year ending December 31, 1999, 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 Economic Development Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 67,500.00 to an account entitled "Services/Contracts" 1237.845.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Capital Improvement Fund for the year ending December 31, 1999, the following:

\$61,815.07 to an account entitled "Vehicle Lease" 1401.905.2530

\$ 8,500.00 to an account entitled "Accessories New Vehicles" 1401.305.2531

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 1999, the following:

\$ 9,837.27 to an account entitled "Transport Vehicle" 1100.305.2590

Section 4:

This Ordinance is hereby declared to be an emergency measure, 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 _____ 1999

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR