

## AGENDA

DATE: SEPTEMBER 7, 1999(TUES)  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILWOMAN NANCY HALTER
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. 168 - 1999    BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE**

P  
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a renewal of a franchise agreement with Massillon Cable T.V., Inc. for the operation of a television cable system within the City of Massillon.

**ORDINANCE NO. 169 - 1999    BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE**

P  
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract extending our present Centrex services with Ameritech on all City government telephone lines for a period of five (5) years, and declaring an emergency.

**ORDINANCE NO. 170 - 1999    BY: POLICE AND FIRE 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 and to enter into a contract , upon award and approval of the Board of Control, with the lowest and best bidder for the lease/purchase of three full size sedans for the City of Massillon Police Department, and declaring an emergency.

**ORDINANCE NO. 171 - 1999    BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing the Mayor to enter into an agreement with the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc. the Massillon Development Foundation, Inc., and the Massillon Museum, Inc., to form a consortium for the purpose of providing expanded communication opportunities to serve the community, becoming a participating member in the Massillon Gateway Consortium, and declaring an emergency.

**ORDINANCE NO. 172 - 1999    BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM.**

P  
AN ORDINANCE authorizing the Mayor of the City of Massillon to execute an amendment to the agreement between the City of Massillon, Heinz Frozen Foods Company and VC Freezer Massillon, L.L.C. (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program, by the addition of ACL Company, L.L.C. as a party to the enterprise zone and also for the purchase and installation of an additional \$2.5 million in machinery and equipment, and declaring an emergency.

SEPTEMBER 7, 1999 (TUES)

**ORDINANCE NO. 173 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Westark Family Services, Inc., for the Senior Citizens Homemaker Program, and declaring an emergency. \$22,000

**ORDINANCE NO. 174 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with Massillon Commission to Advance Literacy to assist in the Adult Literacy Education and Training Program, and declaring an emergency \$5,000

**ORDINANCE NO. 175 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Urban League for the Housing Counseling Program, and declaring an emergency. \$15,000

**ORDINANCE NO. 176 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Catholic Community Service League of Stark County to assist in the operation of the Family Living Center, and declaring an emergency. \$10,000

**ORDINANCE NO. 177 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the YWCA of Massillon to assist in the operation of their Child Development Center, and declaring an emergency. \$5,000

**ORDINANCE NO. 178 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

P  
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Urban League for the Teen Pregnancy Prevention Program, and declaring an emergency. \$5,000

**ORDINANCE NO. 179 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

1st  
AN ORDINANCE authorizing the Zoning Inspector of the City of Massillon, Ohio, to issue a conditional zoning certificate to MB Operating to drill a gas and oil well, which shall be known as the Morelli Unit 2D, on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue, and declaring an emergency.

**ORDINANCE NO. 180 -- 1999    BY: HEALTH, WELFARE & BUILDING REGULATIONS**

P  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Love Insurance Agency for property insurance, boiler & machinery insurance, dishonesty insurance coverage and insurance for the Massillon City Health Department, and declaring an emergency.

**ORDINANCE NO. 181 - 1999    BY: FINANCE COMMITTEE**

P  
A ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell by sealed bid various vehicles which are no longer needed for any municipal purpose to the highest acceptable bidder, and declaring an emergency

**ORDINANCE NO. 182 - 1999    BY: FINANCE COMMITTEE**

P  
AN ORDINANCE amending CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, by repealing existing Section 965.09(j) "Collection Rates" and enacting a new Section 965.09(j) "Collection Rates" of CHAPTER 965 'GARBAGE AND REFUSE COLLECTION", and declaring an emergency.

**ORDINANCE NO. 183 - 1999    BY: FINANCE COMMITTEE**

SDH  
P  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2000, and to execute said contracts when approved, and declaring an emergency.

**ORDINANCE NO. 184 - 1999    BY: FINANCE COMMITTEE**

SDH  
P  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for the Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street NW) for the year 2000 and to execute said contract when approved, and declaring an emergency.

**ORDINANCE NO. 185 - 1999    BY: FINANCE COMMITTEE**

SDH  
P  
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for resurfacing of State Routes within the corporation limits for the Wales Road NE and Hills & Dales Road NE Rehab Project for the year 2000, and to execute said contracts when approved, and declaring an emergency.

**ORDINANCE NO. 186 - 1999    BY: FINANCE COMMITTEE**

P  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste fund, Solid Waste CI Fund, General Fund, Community Development Block Grant Fund, Emergency Home Repair Fund, Massillon Mural Fund and the Restaurant License Fund, for the year ending December 31, 1999, and declaring an emergency.



SEPTEMBER 7, 1999 (TUES)

**ORDINANCE NO. 187 - 1999    BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 1999 appropriation from the Solid Waste CI Fund to Solid Waste Fund, of the City of Massillon, Ohio, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

A). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM THOMAS J. ELUM, DBA MALDOONS, 1992 LINCOLN WAY EAST, MASSILLON, OHIO, 44646 TO CHRISTOPHER ALAN ENTERPRISES INC., 14 LINCOLN WAY WEST, MASSILLON, OHIO 44646.

B). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM WILLIAM J. & THERESA K. RIES, DBA T & B TAVERN, 1316 TREMONT AVENUE SW, FIRST FLOOR ONLY, MASSILLON, OHIO, 44647 TO GLENA J. COVEY, DBA COVEYS PLACE, 1316 TREMONT AVENUE SW, FIRST FLOOR ONLY, MASSILLON, OHIO, 44647

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR AUGUST - 1999

B). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST - 1999

**11. REPORTS OF COMMITTEES**

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 149 - 1999    BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

**AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Jackson and Perry Townships to Massillon Zoning, and declaring an emergency.

**ORDINANCE NO. 150 - 1999    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 Residential to B-1 Local Business, 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**

**THERE IS ARE TWO PUBLIC HEARING THIS EVENING**

**7:00 P.M. ORDINANCE NO. 149 - 1999**

**7:15 P.M. ORDINANCE NO. 150 - 1999**



DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a renewal of a franchise agreement with Massillon Cable T.V., Inc. for the operation of a television cable system within the City of Massillon.

WHEREAS, Massillon Cable TV, Inc. has filed a proposal for renewal of its franchise pursuant to the provisions of Ordinance No. 58 - 1989, and

WHEREAS, pursuant to the administrative hearing and public notice provisions of the Cable Communications and Franchise Act of 1989 (Public Law No. 98-549) the required hearing has been held upon due public notice given thereof;

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

Section 1:

Having reviewed the performance of Massillon Cable TV, Inc. under its existing franchise and its proposal for a renewal of the franchise, Council finds said service to have been adequate and that the company's financial and technical ability and proposed future service plans will sufficiently meet the needs of the community.

Section 2:

The Director of Public Service and Safety is hereby authorized and directed to enter into a non-exclusive agreement with Massillon Cable TV, Inc. for the operation of a cable television system within the City of Massillon, Ohio, for a period of ten (10) years on the terms set forth in Ordinance No. 58 - 1989.

Section 3:

This Ordinance is 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 Massillon Cable TV, Inc. franchise agreement with the City is about to expire. 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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract extending our present Centrex services with Ameritech on all City government telephone lines 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 Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract extending our present Centrex services with Ameritech on all City government telephone lines for a period of five (5) years.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract extending our present Centrex services with Ameritech on all City government telephone lines for a period of five (5) years.

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 to provide ongoing telephone service by Centrex to all City Government offices. 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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 1999

BY: POLICE AND FIRE 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 to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the lease/purchase of three full size sedans for the City of 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 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 for and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the lease/purchase of three full size sedans for the City of Massillon Police Department.

Section 2:

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the lease/purchase of three full size sedans for the City of Massillon Police Department.

Section 3:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999

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

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



DATE: September 7, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 171 - 1999

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc., the Massillon Development Foundation, Inc., and the Massillon Museum, Inc, to form a consortium for the purpose of providing expanded communication opportunities to serve the community, becoming a participating member in the Massillon Gateway consortium, and declaring an emergency.

WHEREAS, a more informed citizenry is more involved in their community and their government; and

WHEREAS, the citizenry and the Greater Massillon community need free access to the information they own, in a broad, direct, cost-effective and timely manner; and

WHEREAS, communication technologies have expanded beyond the ever important print and broadcast mediums; and

WHEREAS, an increasing number of Massillonians rely on nontraditional media and channels of communications; and

WHEREAS, the City of Massillon, the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc., the Massillon Development Foundation, Inc., and the Massillon Museum, Inc., have determined that a consortium of nonprofit organizations and governmental units to provide expanded communication opportunities to serve the community is a better practice than each agency acting in a manner not coordinated with other area agencies and duplicating information; and

WHEREAS, the City of Massillon, the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc., the Massillon Development Foundation, Inc., and the Massillon Museum, Inc., have worked together to form the Massillon Gateway Consortium; 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 provide expanded communication opportunities to serve the community, 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:

This Council hereby authorizes and directs the Mayor to enter into an agreement with the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc., the Massillon Development Foundation, Inc., and the Massillon Museum, Inc, to form a consortium for the purpose of providing expanded communication opportunities to serve the community.

Section 2:

Attached hereto and made a part of this ordinance is the Massillon Gateway Articles of Consortium described in section 1 of this ordinance.

Section 3:

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

# MASSILLON GATEWAY ARTICLES OF CONSORTIUM

To keep Massillonians and friends of Massillon informed about their community, the community organizations and the governmental institutions of Massillon, by these articles, agree to join together for the purpose of providing expanded communication opportunities to serve the community in exemplary ways.

## Purposes

A more informed citizenry will become more involved in their community. Massillonians need free access to the information they own, in a broad, direct, cost-effective, and timely manner. With the expansion of communications technologies beyond the important print and broadcast mediums, information access must be provided through technologies as they emerge. This consortium has the vital role of providing appropriate noncommercial access to communications technologies and informational content that will assist a significant portion of the community to be better informed about itself. Further, the consortium will provide valued information about the community, its people, businesses, organizations, neighborhoods, governments, events, activities and opportunities. In these ways, the community will continue to strengthen its vitality, continue its growth and development, and continue its attraction to those neighbors, friends, and others interested in the great community of Massillon, Ohio.

The intent of the consortium is to use communication methods beyond the traditional print and broadcast media organizations that have served this community so well and continue to do so. The consortium intends to serve the community as an additional pathway of communication that supplements and enhances those so valued by the community.

The consortium is a natural outgrowth of pioneering efforts of the City of Massillon, the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc. and others to keep the community informed through a presence on the Internet through the World Wide Web. Continuation of these efforts through coordination, cooperation and further development will be a primary focus of the consortium.

## Members

The initial members of the Massillon Gateway consortium shall be the City of Massillon, the Massillon Area Chamber of Commerce, the Massillon Public Library, the Massillon City Board of Education, the United Way of Western Stark County, Inc., the Massillon Development Foundation, Inc. and the Massillon Museum, Inc. Additional community organizations shall be eligible to become members according membership guidelines approved by the Massillon Gateway Board of Trustees. Classes of associate membership including entities other than community organizations may be established by the Board of Trustees.



## Governing Body

The Massillon Gateway consortium shall be governed by a Board of Trustees comprised of a representative of each of the community organizations that are members of the consortium with the Mayor of the City of Massillon as a member in addition to the member representing the City of Massillon. Each member of the Board of Trustees shall provide a designate to serve in the member's absence and each community organization that is a member of the consortium shall provide alternate members to serve in the absence of both the member and the designate.

The Board of Trustees may operate through an Executive Committee. The Executive Committee shall have full authority to act on behalf of the Board of Trustees between regular meetings of the Board.

Actions by the Board of Trustees shall be by consensus where practical and, where consensus cannot be reached, by a two-thirds majority approval. Actions by the Executive Committee shall be by consensus where practical and, where consensus cannot be reached, by a three-fourths majority. A quorum of seven members of the Board of Trustees and a quorum of four members of the Executive Committee shall be required to take action on the business of the consortium. The Board of Trustees shall conduct its business in a collaborative manner emphasizing consensus and may adopt simple rules of order for the business of the Board, the Executive Committee and all standing and special committees.

The Board of Trustees is hereby authorized to adopt all actions necessary or desirable to operate as an arm of the community. The Board has the authority to enter into contract, acquire real and personal property, hire personnel, secure the services of experts and accept donations.

## Not-For-Profit

Massillon Gateway will operate as a not-for-profit organization under the laws of the State of Ohio. The consortium will operate in a nondiscriminatory manner and shall be inclusive of as many different portions of the community as possible within its means, but shall not condone or permit discriminatory or partisan political information in its services, or tolerate use of information that is hateful or offensive to the community at large.

## Administration

Massillon Gateway shall be administered by the Massillon Area Chamber of Commerce, under the direction of the of the Board of Trustees of the consortium.

## Funding

Massillon Gateway shall operate subject to a budget approved annually by the Board of Trustees of the consortium, adjusted periodically as circumstances require. Authorized sources of funding for the consortium shall be membership fees, usage fees, contributions, advertisements, donations, governmental, public and private grants, and such other sources of revenue in keeping with the aims of the consortium in betterment of the greater Massillon community, as are approved in advance by the Board of Trustees.

## Focus

Massillon Gateway is primarily concerned about Massillon, Ohio and shall focus its attention and efforts on the best interests of the residents of the City of Massillon and the Greater Massillon area. To the extent that businesses and organizations have a significant presence in the City of Massillon or the Greater Massillon area, as determined by the Board of Trustees, Massillon Gateway may expend its communications, attention, and efforts in including such members within the focus of the consortium.

## Allocation of Resources

The Board of Trustees of Massillon Gateway shall have the sole authority to decide how the resources of the consortium are allocated. Consideration shall be given to the relative contributions of the members but it is acknowledged as an inherent precept that the community organizations that will desire membership in the consortium have differing abilities to contribute to the accomplishment of the aims of the consortium. The needs of the community shall be the overarching determinant of the allocation of consortium resources.

## Noninterference

Massillon Gateway may utilize the assistance and resources of its member organizations, including cooperative dissemination of information but shall not exercise censorship over or otherwise interfere with the internal operations of any of its member organizations.

## Amendment

These articles of consortium may be amended by a three-quarters majority vote of the Board of Trustees and upon the approval of three-quarters of the original members of the consortium who are members of the consortium at the time of the amendment.

## Continued Existence

Massillon Gateway shall continue in existence until dissolved by a three-quarters majority vote of the Board of Trustees and upon the approval of three-quarters of the original members of the consortium who are members of the consortium at the time of the dissolution action.

## Adoption

This agreement shall be in full force and effect on the date that it is approved by all of the original members of the consortium. The governing body of each member shall take official action to approve this agreement and authorize an official representative of that organization to execute a copy of this agreement.

Approved by:

City of Massillon

by \_\_\_\_\_ on September , 1999;  
Francis H. Cicchinelli, Jr., Mayor

Massillon Area Chamber of Commerce

by \_\_\_\_\_ on August , 1999;  
Gene Boerner, President

Massillon Public Library

by \_\_\_\_\_ on August , 1999;  
Camille Leslie, Director

Massillon City Board of Education

by \_\_\_\_\_ on August , 1999;  
Al Hennon, Superintendent

United Way of Western Stark County, Inc.

by \_\_\_\_\_ on August , 1999;  
Melville Herncane, Executive Director

Massillon Development Foundation, Inc.

by \_\_\_\_\_ on August , 1999; and  
Gene Boerner, Executive Director

Massillon Museum, Inc.

by \_\_\_\_\_ on August , 1999.  
John Klassen, Director



DATE: September 7, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon to execute an amendment to the agreement between the City of Massillon , Heinz Frozen Foods Company and VC Freezer Massillon, L.L.C. (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program, by the addition of ACL Company, L.L.C. as a party to the enterprise zone and also for the purchase and installation of an additional \$2.5 million in machinery and equipment, and declaring an emergency.

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

Section 1:

The agreement between the City of Massillon, Heinz Frozen Foods Company and VC Freezer Massillon, L.L.C. (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the addition of ACL Company, L.L.C. as a party to the enterprise zone and also for the purchase and installation of an additional \$2.5 million in machinery and equipment,

Section 2:

A copy of said amendment is attached hereto and made part of this Ordinance and that the Mayor of the City of Massillon is hereby authorized to execute the amendment to the agreement.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the addition of ACL company, L.L.C., as a party to the enterprise zone and also for the purchase and installation of an additional \$2.5 million in machinery and equipment. for the new facility of Heinz Frozen Foods Company and VC Freezer Massillon, L.L.C. (American Logistics). 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

**AMENDMENT TO  
OHIO ENTERPRISE ZONE AGREEMENT**

This Amendment is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by and between **THE CITY OF MASSILLON, OHIO**, a municipal corporation with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter referred to as the "City"), **HEINZ FROZEN FOOD COMPANY**, a Delaware Corporation with its main offices located at USX Tower, P.O. Box 57, Pittsburgh, PA 15230-0057 (hereinafter referred to as "Heinz"), **VC FREEZER MASSILLON, L.L.C.**, an Oregon Corporation with its main offices located at 7007 S.W. Cardinal Lane, Portland, Oregon 97204 (hereinafter referred to as "Americold"), and **ACL COMPANY, L.L.C.**, a Georgia Corporation with its main offices located at 1 Concourse Parkway, suite 450, Atlanta, Georgia 30328 (hereinafter referred to as "the Lessor").

**WITNESSETH:**

**WHEREAS**, the parties have previously entered into an Ohio Enterprise Zone Agreement dated May 19, 1999, whereby Heinz agreed to expand its existing facility within the City's enterprise zone through the construction, by Americold, of a new 164,000 square foot cold storage warehouse adjacent to the existing Heinz production facility located at 1301 Oberlin Road, S.W., and the City provided the companies with development incentives to support the economic viability of the Project; and

**WHEREAS**, the Agreement provides for a tax exemption for real property and personal property improvements made to the Project Site, identified as a 7.64 acre parcel of land, known as and being Out Lot 510, in the City of Massillon, Stark County, Ohio; and

**WHEREAS**, the Project Site has been expanded and is now identified as an 11.284 acre parcel of land, known as and being Part of Out Lots 287, 510, 511, and 750, in the City of Massillon, Stark County, Ohio; and

**WHEREAS**, Heinz and Americold propose to increase the proposed project investment from \$29,083,000 to \$31,583,000 through the installation of an additional \$2,500,000 in first used machinery and equipment to be located at the project site and leased by Americold from the Lessor; and

**WHEREAS**, in order to accomplish the intended purpose of the Agreement, the parties have determined to amend the Agreement, in the particulars set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth in the Agreement and the benefit to be deemed by each party from the completion of the Project as contemplated by the Agreement, the parties hereby agree as follows:

1. That Section 1, Paragraph 1 of the Agreement is hereby amended to read in part as follows: "Said facility shall be constructed on an 11.284 acre parcel of land, known as and being Part of Out Lots 287, 510, 511, and 750, in the City of Massillon, Stark County, Ohio, as further described in the attached Exhibit "A", attached hereto and made a part hereof.

2. That Section 1, Paragraph 2 of the Agreement is hereby amended to read as follows: "The Project will involve a total investment of (\$31,583,000) Thirty-One Million Five Hundred Eighty-Three Thousand Dollars , plus or minus 15%, at the proposed project site, further described as follows:

(\$16,000,000) Sixteen Million Dollars, to be invested by Americold, for construction of the new warehouse.

(\$1,000,000) One Million Dollars, to be invested by Heinz, for the purchase and installation of first used machinery and equipment.

(\$2,500,000) Two Million Five Hundred Thousand Dollars, to be invested by Americold, for the installation of first used machinery and equipment, specifically palletizing equipment, through a lease with the Lessor.

(\$12,083,000) Twelve Million Eighty-Three Thousand Dollars, to be invested by Heinz, for new inventory.

3. That ACL Company, L.L.C., the Lessor, is hereby recognized by the City through this amendment as a party to the Ohio Enterprise Zone Agreement between the City of Massillon, Ohio, Heinz Frozen Food Company, and VC Freezer Massillon L.L.C.; and that ACL Company, L.L.C. hereby joins in the agreements and undertakings as they relate to the investment and improvements of the Project.

4. In all other respects, the Agreement is hereby confirmed and ratified as written.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date and year first above written.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

---

Francis H. Cicchinelli, Jr., Mayor

**WITNESSED BY:**

**HEINZ FROZEN FOOD COMPANY**

\_\_\_\_\_  
\*  
\*

\_\_\_\_\_  
Catherine A. Caponi, Assistant Treasurer

**WITNESSED BY:**

**VC FREEZER MASSILLON, L.L.C.**

\_\_\_\_\_

\_\_\_\_\_  
Joel M. Smith, Senior Vice President

**WITNESSED BY:**

**ACL COMPANY, L.L.C.**

\_\_\_\_\_

\_\_\_\_\_  
By:  
Title:

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

\_\_\_\_\_  
John D. Ferrero, Jr., Director of Law





WORLD HEADQUARTERS

600 Grant Street  
Pittsburgh, Pennsylvania 15219-2857

August 26, 1999

Mr. Aane Aaby  
City of Massillon  
One James Duncan Plaza  
Massillon, Ohio 44646

Dear Aane,

This letter is being sent on behalf of Heinz Frozen Food Company and VC Freezer Massillon, L.L.C. (AmeriCold) to approve the inclusion of approximately \$2.5 million of palletizing equipment in the existing enterprise zone agreement. This will increase the investment in the project from \$29,083,000 to \$31,583,000. The new equipment will be located at the project site, and will be leased by VC Freezer Massillon, L.L.C. (AmeriCold) from ACL Company, L.L.C.

We ask that ACL Company, L.L.C. be added as a party to the enterprise zone agreement in addition to VC Freezer Massillon, L.L.C. (AmeriCold) and Heinz Frozen Food Company. We also ask that the new palletizing equipment be added to the existing agreement and receive the ten year tax exemption. Thank you for your time and consideration, and we look forward to hearing from you soon.

Sincerely,

Catherine A. Caponi  
General Manager - Corporate Location Planning

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Westark Family Services, Inc., for the Senior Citizens Homemaker Program, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Westark Family Services, Inc., for the Senior Citizens Homemaker Program to provide funding to assist in the operation of the Family Living Center. The contract for services shall not exceed Twenty Thousand Dollars (\$20,000.00).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Westark Family Services, Inc., for the Senior Citizens Homemaker Program.

Section 3:

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 4:

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 these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 174 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Commission to Advance Literacy to assist in the Adult Literacy Education and Training Program, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Massillon Commission to Advance Literacy to provide funding to assist in the Adult Literacy Education and Training Program. The contract for services shall not exceed ~~Ten Thousand Dollars (\$10,000.00).~~ *\$5,000 typo per ord. 166*

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Massillon Commission to Advance Literacy to assist in the Adult Literacy Education and Training Program.

Section 3:

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 4:

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 these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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



DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Urban League for the Housing Counseling Program, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Massillon Urban League to provide funding to assist in the Housing Counseling Program. The contract for services shall not exceed Fifteen Thousand Dollars (\$15,000.00).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the Massillon Urban League for the Housing Counseling Program.

Section 3:

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 4:

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 these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 176 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract agreement with the Catholic Community Service League of Stark County to assist in the operation of the Family Living Center, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Catholic Community Service League of Stark County to provide funding to assist in the operation of the Family Living Center. The contract for services shall not exceed Ten Thousand Dollars (\$10,000.00).

Section 2:

The Director of Service and Safety of the City of Massillon be and is hereby authorized to enter into a contract agreement with the Catholic Community Service League of Stark County to assist in the operation of the Family Living Center.

Section 3:

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 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that is necessary to implement the 1999 Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 177 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the YWCA of Massillon, to assist in the operation of their Child Development Center, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the YWCA of Massillon, to assist in the operation of their Child Development Center. The contract for services shall not exceed Five Thousand Dollars (\$ 5,000.00)

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with the YWCA of Massillon, to assist in the operation of their Child Development Center at a cost not to exceed Five Thousand Dollars (\$ 5,000.00).

Section 3:

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 4:

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 these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: September 8, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 178 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract agreement with the Massillon Urban League for the Teen Pregnancy Prevention Program, and declaring an emergency.

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

Section 1:

The City Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract agreement with the Massillon Urban League to provide funding to assist in the operation of the Teen Pregnancy Prevention Program. The contract for services shall not exceed Five Thousand Dollars (\$ 5,000.00).

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement with The Massillon Urban League for the Teen Pregnancy Prevention Program.

Section 3:

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 4:

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 these services are needed to meet the goals and objectives of the City's Community Development Block Grant Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 179 - 1999

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Zoning Inspector of the City of Massillon, Ohio, to issue a conditional zoning certificate to MB Operating to drill a gas and oil well, which shall be known as the Morelli Unit 2D, on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue, and declaring an emergency.

WHEREAS, pursuant to Chapter 741 of the Codified Ordinances of the City of Massillon, MB Operating Company, Inc. has filed a request for a permit to drill a gas and oil well known as the Morelli Unit 2D, located on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue; and

WHEREAS, on August 11, 1999 the City of Massillon Planning Commission recommended approval of the request for the gas and oil well permit;

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 MB Operating be granted a conditional zoning certificate to drill a gas and oil well, which shall be known as the Morelli Unit 2D, on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue, and said property being known as the Morelli Estate.

Section 2:

The Zoning Inspector shall issue a conditional zoning certificate to MB Operating to drill a gas and oil well, which shall be known as the Morelli Unit 2D, on Part of Out Lot 555, located on the north side of Hankins Road between Wales Road and Valerie Avenue and said property being known as the Morelli Estate.

Section 3:

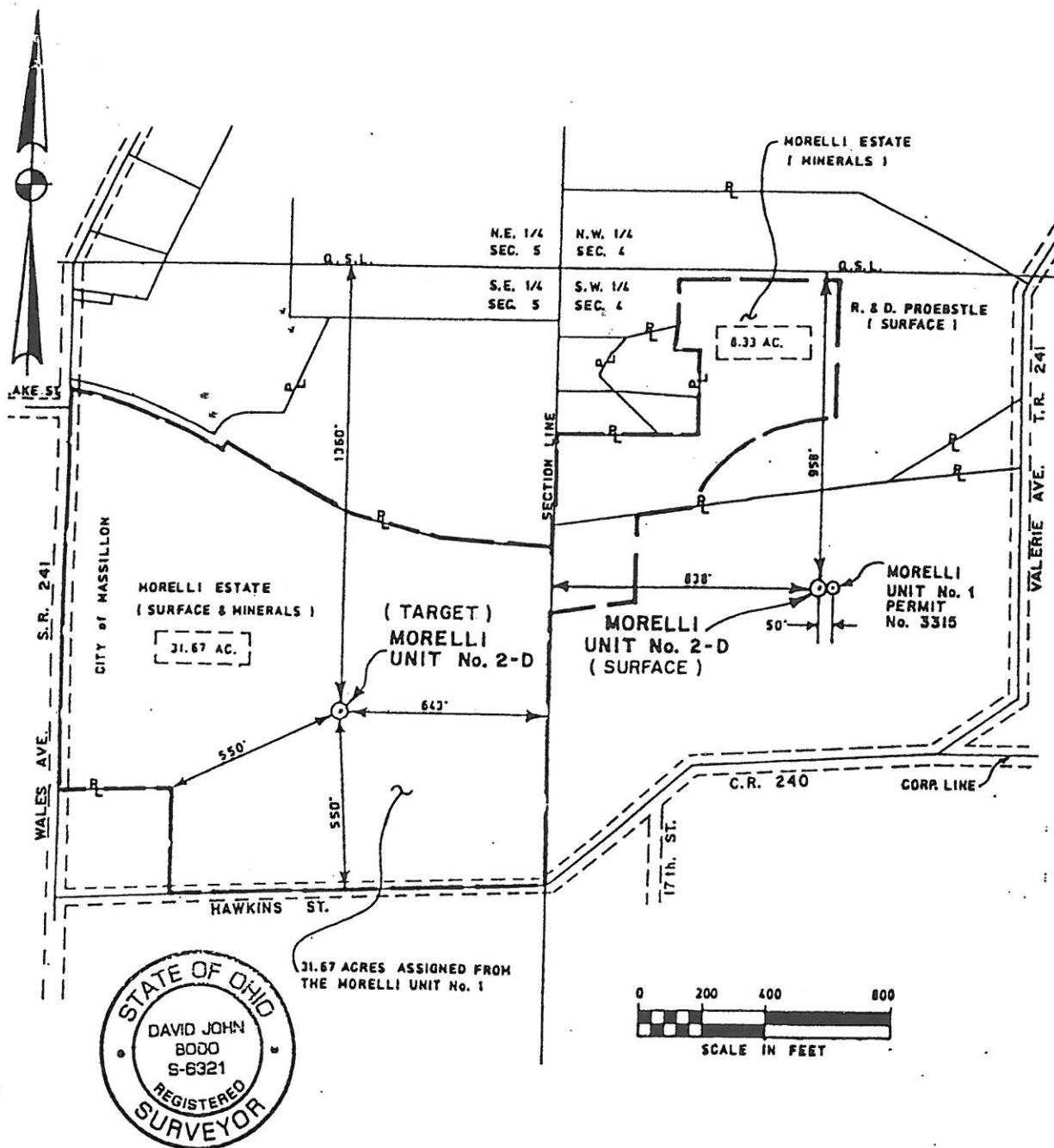
This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and such emergency arising out of the necessity to issue such conditional zoning permits for gas and oil well drilling within the City. Provided 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.

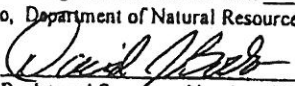
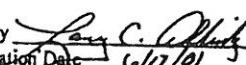
PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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





Plat Showing Location of Well	
State of Ohio, Department of Natural Resources — Division of Oil & Gas, Columbus, Ohio.	
XX Oil or Gas	Well Name <b>MORELLI UNIT No. 2-D</b>
XX New Location	Scale: 1" = 400'
I hereby certify that all drilling or producing wells within 1000 feet and all buildings and streams within 150 feet have been shown, there are no drilling unit lines nearer than 500 feet, that this plat is true and correct and was prepared according to the current State of Ohio, Department of Natural Resources, Division of Oil and Gas Regulations.	
 Registered Surveyor Number 6321	Notary  Expiration Date 6/17/01
Operator: MB Operating Company, Inc. Address: 104 6 <sup>th</sup> St., S.W., Canton, Ohio 44702 Landowner: Surface <u>MORELLI ESTATE</u> Minerals <u>SAME AS SURFACE</u> Well Number <u>2-D</u> Drilling Unit Acre <u>40</u> County: <u>STARK</u> Township: <u>PERRY</u> Quadrant: <u>MASSILLON</u> Ohio Plane <u>SURFACE: X-2,276,375 Y-418,400</u> COORDINATES <u>TARGET: X-2,275,080 Y-418,100</u>	Subdivision Civil Township Township: <u>10 N</u> Range: <u>9 W</u> Quarter Township: <u>4 - SURFACE 5 - TARGET</u> Tract: <u>-----</u> Allotment: <u>-----</u> SURFACE EL. <u>1035</u> Other: <u>-----</u> TARGET EL. <u>1020</u> Date: <u>7/15/98</u> <div style="text-align: right;">MC</div>

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 180 - 1999

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Love Insurance Agency for property insurance, boiler & machinery insurance, dishonesty insurance coverage and insurance for the Massillon City Health 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 Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Love Insurance Agency for property insurance, boiler & machinery insurance, dishonesty insurance coverage and insurance for the Massillon City Health Department.

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 that it is necessary to enter into a contract with Love Insurance Agency as the previous policies expire as of October 1, 1999. 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: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 181 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell various vehicles by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder, 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 sell various vehicles, which are no longer needed for any municipal purpose to the highest acceptable bidder.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to sell various vehicles by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder.

Section 4:

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 that the City obtain the highest price it can sell for various vehicles which are no longer needed by the City. 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: September 7, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 182 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon, by repealing existing Section 965.09(j) "Collection Rates" and enacting a new Section 965.09(j) "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION", 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 965.09(j) "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

There be and is hereby enacted a new Section 965.09(j) "Collection Rates" of CHAPTER 965 "GARBAGE AND REFUSE COLLECTION" of the Codified Ordinances of the City of Massillon. Said newly enacted Section shall read as follows:

965.09 COLLECTION RATES

(j) One Hundred percent (100%) of the amounts collected pursuant to the section shall be deposited into the Solid Waste Fund to be used for operating costs. This change will be in effect from October 1, 1999 to December 31, 1999. Commencing January 1, 2000 Ninety-two percent (92%) of the amounts collected pursuant to the section shall be deposited into the Solid Waste Fund to be used for operating costs. Eight percent (8%) shall be deposited into the Solid Waste Capital Improvement Fund to be used for improvements within the department.

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1999

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

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



DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 183 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2000, and to execute said contracts when approved, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2000, and to execute said contracts when approved.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit applications for 2000 Ohio Public Works Commission Funding for various projects for the year 2000, and to execute said contracts when approved. Said projects shall be as follows:

1. Sippo Park Reservoir Dredging Project
2. Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street N.W.)
3. Linking of the SR 21 Traffic Signals Project ( from Lake Street to Walnut Road)
4. Wales Road NE & Hills & Dales NE Rehab Project
5. Tremont Avenue Project (from 3<sup>rd</sup> Street SE to 23<sup>rd</sup> Street SW)
6. Bulk Storm Sewer Projects for Wagontrail NE; Poplar, rear of 25<sup>th</sup> Street NW; 3<sup>rd</sup> Street NE; Cherry Road @ 15<sup>th</sup> Street NW; Duncan & Anthony; Cleveland & McKinley; Rear 24<sup>th</sup> Street Ditch; 1734 Jefferson Road NE; 1<sup>st</sup> Street NE; Cherry Road; State Avenue NE and Thorne Avenue Bridge

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to submit the various project in order to receive Ohio Public Works Funding. 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: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 184 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for the Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street NW) for the year 2000 and to execute said contract when approved, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for the Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street NW) for the year 2000 and to execute said contract when approved.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for ODOT Financial Assistance for the Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street NW) for the year 2000 and to execute said contract when approved.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to submit the Lincoln Way West Phase II Project (from west of viaduct to 27<sup>th</sup> Street NW) to receive ODOT Financial Assistance for the year 2000. 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: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 185 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for resurfacing of State Routes within the corporation limits for the Wales Road NE and Hills & Dales Road NE Rehab Project for the year 2000 and to execute said contracts when approved, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for ODOT Financial Assistance for the resurfacing of State Routes within the corporation limits for the Wales Road NE and Hills & Dales Road NE Rehab Project for the year 2000 and to execute said contracts when approved.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for ODOT Financial Assistance for the resurfacing of State Routes within the corporation limits for the Wales Road NE and Hills & Dales Road NE Rehab Project for the year 2000 and to execute said contract when approved.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to submit the resurfacing of State Routes within the corporation limits for the Wales Road NE and Hills & Dales Road NE Rehab Project for the year 2000 and to receive ODOT Financial Assistance for the year 2000. 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: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 186 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Solid Waste Fund, Solid Waste CI Fund, General Fund, Community Development Block Grant Fund, Emergency Home Repair Fund, Massillon Mural Fund and the Restaurant License 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 Solid Waste Fund for the year ending December 31, 1999, the following:

\$ 59,600.00 to an account entitled "Salary" 2102.605.2110

Section 2:

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

\$ 25,000.00 to an account entitled "Transfer To" 1413.605.2710

Section 3:

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, 1999, the following:

\$ 25,000.00 to an account entitled "Refunds" 1100.210.2720

\$ 250.00 to an account entitled "Gas and Oil" 1100.705.2430



Section 4:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Program Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 20,000.00 to an account entitled "Elderly Homemaker Program" 1402.845.2803  
\$ 15,000.00 to an account entitled "Housing Counseling Program" 1402.845.2802  
\$ 10,000.00 to an account entitled "Family Living Center" 1402.845.2841  
\$ 5,000.00 to an account entitled "Teen Pregnancy Prevention" 1402.845.2815  
\$ 5,000.00 to an account entitled "Commission to Advance Literacy" 1402.845.2819  
\$ 5,000.00 to an account entitled "YWCA Day Care Program" 1402.845.2854  
\$ 2,500.00 to an account entitled "Drug Task Force Operating" 1402.845.2829

Section 5:

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, 1999, the following:

\$ 6,840.14 to an account entitled "Emergency Home Repair" 1228.845.2814

Section 6:

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, 1999, the following:

\$ 4,187.86 to an account entitled "Mural Project-Phase IV" 3112.905.2510

Section 7:

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, 1999, the following:

\$ 1,200.00 to an account entitled "Supplies/Materials" 1211.720.2410

Section 8:

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

DATE: September 7, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 187 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from the Solid Waste CI Fund to Solid Waste 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 1999 appropriation from the Solid Waste CI Fund to Solid Waste Fund, of the City of Massillon, Ohio, the following:

\$ 25,000.00 FROM: "Transfer To" 1413.605.2710  
TO: "Transfer In" 2102.605.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the Sewer and Waste Department, 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

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

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