

AGENDA

DATE: APRIL 16, 2001
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE 4 PUBLIC HEARINGS TONIGHT

ORDINANCE NO. 77 - 2001 - 6:30

ORDINANCE NO. 46 - 2001 - 7:15

ORDINANCE NO. 47 - 2001 - 7:20

ORDINANCE NO. 48 - 2001 - 7:30

1. ROLL CALL - *Lambert Absent*
2. INVOCATION - PASTOR DUANE WILBUR - MASSILLON CHURCH OF GOD
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

*Supp. E-0
P. H.
6-0*

ORDINANCE NO. 89 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Massillon Washington High School and Massillon Perry High School for golf team privileges at The legends of Massillon Golf Course for the 2001 season, and declaring an emergency.

*1st
Ref*

ORDINANCE NO. 90 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P. H. May 21 @ 7:00 PM

AN ORDINANCE to provide for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio, and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio, for and during the term of three (3) years beginning on July 1, 2001.

*1st
Ref*

ORDINANCE NO. 91 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P. H. May 21 @ 7:00 PM

AN ORDINANCE to provide for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the terms and conditions under which water service shall be furnished in the City of Massillon, Ohio from the date of this ordinance legally takes effect until June 30, 2004, and declaring an emergency.

*Supp. E-0
P. H.*

ORDINANCE NO. 92 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

AN ORDINANCE authorizing the Director of public Service and Safety to enter into a contract agreement with Perrin Asphalt Company, for the construction of the golf course cart paths phase II at The legends of Massillon's additional nine hole expansion, and declaring an emergency.

ORDINANCE NO. 93 - 2001 BY: PARKS AND RECREATION COMMITTEE

*5-55P
8-0
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8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 4.861 acres of land known as Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, and declaring an emergency.

ORDINANCE NO. 94 - 2001 BY: SEWER AND WASTE COMMITTEE

*135
P
8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, 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 of the Board of Control, with the lowest and best bidder for the construction of the Wastewater Treatment Plant 2001 expansion in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 95 - 2001 BY: SEWER AND WASTE COMMITTEE

*135
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8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a Loan Agreement with OEPA/WPCLF for the Wastewater Treatment Plant upgrade, and declaring an emergency.

ORDINANCE NO 96 - 2001 BY: SEWER AND WASTE COMMITTEE

*135
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8-0*
AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the codified Ordinances of the City of Massillon, by repealing existing Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" and enacting a new Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND", and declaring an emergency.

ORD 96 2001
ORDINANCE NO. 97 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*Teddy
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8-0*
AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Perry Townships, and declaring an emergency.

ORDINANCE NO. 98 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*5-55P
Heller
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Heller
7-1*
AN ORDINANCE authorizing the annexation of certain contiguous territory owned by the city of Massillon, appointing Robert Sanderson as an Agent for the City as petitioner, defining those city services to be provided to the Territory and directing the City Director of Law and the City Engineer to prosecute the proceedings necessary to effectuate such annexation and declaring the same to be an emergency.

APRIL 16, 2001

ORDINANCE NO. 99 - 2001 BY: POLICE AND FIRE COMMITTEE

*SUPP
8-0
Pax
8-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, 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 addition and remodeling of Fire Station Number 3 of the City of Massillon Fire Department, and declaring an emergency.

ORDINANCE NO. 100 - 2001 BY: FINANCE COMMITTEE

*SUPP
8-0
Pax
8-0*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Rec Center Project Fund, Street Construction M&R Fund, General Fund, Solid Waste Fund, Park and Recreation Fund and Wastewater Treatment Fund for the year ending December 31, 2001, and declaring an emergency.

ORDINANCE NO. 101 - 2001 BY: FINANCE COMMITTEE

*155
Ref*
AN ORDINANCE making certain appropriations from the unappropriated balance of Probation Services Fund, of the City of Massillon, Ohio, for the year ending December 31, 2001, and declaring an emergency.

ORDINANCE NO. 102 - 2001 BY: FINANCE COMMITTEE

*155
Ref*
AN ORDINANCE making certain transfers in the 2001 appropriation from the Probation Services Fund to the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 103 - 2001 BY: FINANCE COMMITTEE

*155
Ref*
AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund, of the City of Massillon, Ohio, for the year ending December 31, 2001, and declaring an emergency.

RESOLUTION NO. 11 - 2001 BY: COMMITTEE OF THE WHOLE

*155
Ref*
A RESOLUTION supporting the H.B. 808 that states emergency measures be taken in this country to save the steel industry, and declaring an emergency.

*155
Ref*
7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY REPORT FOR MARCH - 2001
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR MARCH- 2001
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR MARCH - 2001
- D). TREASURER SUBMITS MONTHLY REPORT FOR MARCH - 2001

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

ORDINANCE NO. 41 - 2001 BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMM

Post 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2001 Street Resurfacing Program within the City of Massillon, and declaring an emergency

ORDINANCE NO. 42 - 2001 BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMM

Post 8-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2000 Target Neighborhood Street Program within the City of Massillon, and declaring an emergency.

ORDINANCE NO. 46 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Post 8-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 47 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Post 8-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 48 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Post 8-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 50 - 2001 BY: FINANCE COMMITTEE

Post 8-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 2001, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 62 - 2001 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into an agreement with the State of Ohio accepting a One Million Dollar Grant for the Arena Project, and declaring an emergency

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 44 - 2001 BY: SEWER AND WASTE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for, receive sealed bids according to law and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of the Augusta Lakes Pump Station in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 54 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the St. Luke Annexation, upon annexation, and declaring an emergency.

ORDINANCE NO. 66 - 2001 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION OF LIST CLASS TITLES - ENGINEER AND WASTEWATER TREATMENT DEPARTMENTS of Ordinance No. 127 - 1997 be repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - ENGINEER AND WASTEWATER TREATMENT DEPARTMENT and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - ENGINEER AND WASTEWATER TREATMENT DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 68 - 2001 BY PUBLIC UTILITIES/GOLF COURSE COMMITTEE

AN ORDINANCE authorizing the Zoning Inspector of the City of Massillon, Ohio, to issue a conditional zoning certificate to Great Lakes Energy Partners, L.L.C., for a permit to drill a gas and oil well, which shall be known as the R.T.I. No. 1, located on the Republic Technologies International property on the west side of 16th Street S.E., south of Oak Avenue S.E., and declaring an emergency.

ORDINANCE NO. 77 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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.

APRIL 16, 2001

ORDINANCE NO. 80 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

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

ORDINANCE NO. 85 - 2001 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Mayor and the director of Public Service and Safety of the City of Massillon, Ohio, to enter into a lease agreement with the Grand Mill Center for 4,377.6 square feet of office space for use by the Massillon City Health Department, and declaring an emergency.

ORDINANCE NO. 87 - 2001 BY: HEALTH, WELFARE & BUILDING REGULATIONS

AN ORDINANCE repealing CHAPTER 1313 "ELECTRICAL CODE" of the Codified Ordinances of the City of Massillon, Ohio and enacting anew CHAPTER 131 "ELECTRICAL CODE" of the Codified Ordinances of the City of Massillon, Ohio, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

SHARON HOWELL COUNCIL CLERK

DATE: April 16, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 2001

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into contract with Massillon Washington High School and Massillon Perry High School for golf team privileges at The Legends of Massillon Golf Course for the 2001 season, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into contract with Massillon Washington High School and Massillon Perry High School for golf team privileges at The Legends of Massillon Golf Course for the 2001 season.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio be and is hereby authorized to enter into contract with Massillon Washington High School and Massillon Perry High School for golf team privileges at The Legends of Massillon Golf Course for the 2001 season.

Section 3:

That 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 contracts with the schools must be entered into prior to the start of the high school golf season. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
2nd reading 5/2/01
LEGISLATIVE DEPARTMENT
passed 5/2/01

ORDINANCE NO. 90 - 2001

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of three (3) years beginning on July 1, 2001.

WHEREAS, Consumers Ohio Water Company, its successors and assigns (hereinafter called the "Company") shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the "City"), for and during the term of three (3) years beginning July 1, 2001, upon the terms and conditions hereinafter set forth:

WHEREAS, Consumers Ohio Water Company now owns and operates a water supply plant in said City and the Company enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, the City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service, and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, its successors and assigns;

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

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service. In the event that the City shall levy, assess or impose any new privileges, occupation, franchise or excise tax, or shall increase any such taxes presently existing against the Water Company at any time during the period which this Ordinance shall be in force, then the rates fixed in Sections 3, 4 and 5 hereof be so increased by the Company by filing a new schedule as to provide sufficient additional revenue to cover such new or additional tax or taxes provided, however, that if the City shall propose an alternative schedule of additional rates acceptable to the Company which would yield the requisite revenue, such alternative schedule shall control. In either event, the new and increased schedule shall become effective on all bills rendered after the effective date for such new tax or taxes.

Section 2:

First Year. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period of July 1, 2001 through June 30, 2002 the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$2.96
For the next 10,000 cubic feet per month	\$2.31
For all over 15,000 cubic feet per month	\$1.29

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$8.00
3/4" meter	\$8.80
1" meter	\$11.20
1-1/2" meter	\$14.40
2" meter	\$23.20
3" meter	\$88.00
4" meter	\$112.00
6" meter	\$168.00

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours \$25.00
 RECONNECTION Fee other than during regular business hours \$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$9.27
1-1/2" hose connection	\$11.59
2" hose connection	\$14.51
2-1/2" hose connection	\$16.83
Private fire hydrants	\$35.24

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$28.87
4"	10,000 square feet or less	\$43.39
6"	20,000 square feet or less	\$60.72
Additional floor space	Per 1,000 square feet	\$1.70

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Eight Dollars (\$8.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Beginning July 1, 2001, prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

<u>Meter Size</u>	<u>Customer Impact Fee</u>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 3:

Second Year. In consideration of the above, the parties hereto agree that the Company, for services described, shall charge for water furnished during the period of July 1, 2002 through June 30, 2003, the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.05
For the next 10,000 cubic feet per month	\$2.38
For all over 15,000 cubic feet per month	\$1.33

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$8.24
3/4" meter	\$9.06
1" meter	\$11.54
1-1/2" meter	\$14.83
2" meter	\$23.90
3" meter	\$90.64
4" meter	\$115.36
6" meter	\$173.04

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours \$25.00
 RECONNECTION Fee other than during regular business hours \$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$9.27
1-1/2" hose connection	\$11.59
2" hose connection	\$14.51
2-1/2" hose connection	\$16.83
Private fire hydrants	\$35.24

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$28.87
4"	10,000 square feet or less	\$43.39
6"	20,000 square feet or less	\$60.72
Additional floor space	Per 1,000 square feet	\$1.70

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Nine Dollars (\$9.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Beginning July 1, 2001, prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

Meter Size	Customer Impact Fee
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 4:

Third Year. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge the following rates for water furnished during the period of July 1, 2003 through June 30, 2004 and thereafter until new rates have been agreed upon between the Company and the City.

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.14
For the next 10,000 cubic feet per month	\$2.45
For all over 15,000 cubic feet per month	\$1.37

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$8.49
3/4" meter	\$9.33
1" meter	\$11.89
1-1/2" meter	\$15.27
2" meter	\$24.62
3" meter	\$93.36
4" meter	\$118.82
6" meter	\$178.23

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

RECONNECTION FEE: RECONNECTION fees as defined in the Company's Tariff Section 3-2, First Revised Sheet No. 3, Item 12(b) and Section 3-6, Original Sheet No. 4, Item 10(a) are:

RECONNECTION Fee during regular business hours \$25.00
 RECONNECTION Fee other than during regular business hours \$85.00

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$9.27
1-1/2" hose connection	\$11.59
2" hose connection	\$14.51
2-1/2" hose connection	\$16.83
Private fire hydrants	\$35.24

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$28.87
4"	10,000 square feet or less	\$43.39
6"	20,000 square feet or less	\$60.72
Additional floor space	Per 1,000 square feet	\$1.70

LATE PAYMENT FEE: The customer will be charged a late payment fee of five percent (5%) if bill payment is paid after the past due date as specified on the customer bill.

DISHONORED CHECKS: When a check that has been received as payment for service is returned by the bank unpaid, a charge of twenty dollars (\$20.00) will be assessed to cover the cost of processing this transaction. The charge for the dishonored check may be reflected at the Company's option when the Company returns the dishonored check or may be charged on the customer's next billing.

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

Any and all charges for the operation and maintenance of all public fire plugs or hydrants now or hereafter installed and to be used for fire protection purposes only are provided for and included in Division A - Measured or Metered Service Rate Schedule.

DIVISION D
BULK WATER SALES

For sales of bulk water at Company-designated connections, a customer shall pay Ten Dollars (\$10.00) per one thousand (1,000) gallons delivered. In addition, the customer shall pay a bulk water permit fee based upon the Company's costs incurred for bulk water connection and metering accommodations.

DIVISION E
CUSTOMER IMPACT FEE

Beginning July 1, 2001, prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

<u>Meter Size</u>	<u>Customer Impact Fee</u>
5/8" x 3/4"	\$1,200.00
1"	\$3,060.00
1-1/2"	\$6,900.00
2" or larger	\$12,240.00

Section 5:

If, during the term of this Ordinance, the City desires that the Company expand or construct improvements beyond those planned by the Company and beyond any improvements which the Company has agreed to implement, the City may request negotiations with the Company for adjustment of the rates set forth herein to facilitate such improvements.

If, following July 1, 2001, (a) the Company's rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company's districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company's control.

Section 6:

The Company's rates and service shall comply with Consumers Ohio Water Company Master Tariff P.U.C.O. No. 2, as amended and revised from time to time, provided, however, any conflicting provisions of this Ordinance shall supercede said Tariff and, furthermore, the Company will not collect or charge a related facilities fee (rather, the Company will collect the Customer Impact Fee set forth herein above).

Section 7:

The Company will provide the following improvements and features (in addition to usual service provisions) while this Ordinance is in effect:

- A. The Company will replace twenty (20) hydrants as designated on a list to be prepared by the City Fire Chief each of the three (3) years hereunder. Any hydrant that is not working properly will be bagged or tagged by the Company.
- B. The Company will replace approximately 950 feet of water line on 27th Street NW.
- C. The Company's Water Main Financing Plan will be available to customers replacing service lines until twelve (12) months after such time as the Company makes service line insurance available to customers.

Section 8:

This contract and the rates herein provided for shall continue and be in force for a period of three (3) years beginning on July 1, 2001 and until canceled by either the City or the Company upon sixty (60) days written notice.

Section 9:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city, after its passage and approval by the Mayor, shall constitute a contract between the City and the Company pursuant to and by virtue of Sections 4 and 5 of the Article XVIII of the Constitution of Ohio.

Section 10:

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 Consumers Ohio Water Company 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 _____ 2001

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

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
2nd reading 5/7/01
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 - 2001

passed 5/11/01

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Consumers Ohio Water Company to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the terms and conditions under which water service shall be furnished in the City of Massillon, Ohio from the date of this Ordinance legally takes effect until June 30, 2004, and declaring an emergency.

WHEREAS, Consumers Ohio Water Company, its successors and assigns (hereinafter called the "Company") shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the "City"), from the date of this Ordinance legally takes effect until June 30, 2004 and thereafter upon the terms and conditions hereinafter set forth.

WHEREAS, Consumers Ohio Water Company now owns and operates a water supply plant in said City and enjoys the right and privileges of using the streets and public highways for the location, operation, maintenance and existence of its mains, services and other appurtenances; and

WHEREAS, that said City and the inhabitants thereof are now and have been receiving water service from said Company, all property, plants, distribution mains and equipment of which Company now used and useful in the furnishing of said water service and the legal title to the same, as well as any equipment or extensions which may hereafter be placed in said City by said Company, its successors and assigns;

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

Section 1:

In consideration of the covenants of the City and the Company as hereinafter contained, the following terms and conditions are declared and made effective relative to the supplying of such water service.

A. Said Company agrees that the water supply for said City is to be drawn from wells. In the event of an insufficient amount of suitable well water obtainable, the Company may secure its water supply from other sources sufficient in quantity and of quality satisfactory to the Ohio Environmental Protection Agency and suitable for the needs and requirements of said City; provided, however, that this provision shall not preclude said Company from furnishing water for manufacturing and industrial purposes, street flushing and sprinkling from any other source of supply available.

B. Said Company further agrees that the pumping machinery and other elements necessary for delivering water into the mains supplying the City shall be no less adequate than at the effective date of this Ordinance for all reasonable demands that may, from time to time, be made by City, and the said Company shall endeavor to keep the same abreast with the growth of said City, and at all times in good condition for the uses and purposes intended.

C. Except in the case of emergencies, the Company will provide the City with prior notice of street closings under procedures reasonably established by the City, subject to consent to such procedures by the Company, which consent will not be unreasonably withheld. All mains, services or other appurtenances shall be located so as not to interfere with any pipes, mains, conduits or sewers existing at the time of such location or laying. In the location, repair and removal of mains, services pipes or equipment, the streets shall not be unnecessarily obstructed and shall be restored to their former condition as nearly and as soon as possible in accordance with specification of the City Engineer by having all ditches tamped or pebbled and pavements laid so as to leave the surface as nearly as practicable in its original condition. In performing any and all of the foregoing, the Company shall save the City harmless from any and all damages arising from the negligence or mismanagement of said Company or any employees thereof.

D. In case such restoration is not undertaken within five (5) days after receipt of written notice therefore given by the Safety-Service Director to the Company and shall not thereafter be completed properly with reasonable dispatch, then in such event, the Safety-Service Director may cause the same to be done and the reasonable expenses incurred thereby shall be paid by said Company upon presentation of an invoice therefore and upon failure to so pay, the same may be deducted by the City from any sum or sums thereafter due from it to said Company.

E. To enable the city officials to enforce the foregoing provisions, the Company shall mail monthly to the Department of Public Safety and Service or such like department of the City government as may at that time be discharging the duties not performed thereby, written notice of all excavations or openings, if any, made in public streets, alleys or places during the month preceding.

F. The Company shall not move or change the location of any public fire hydrant now in service except upon written approval from the City Engineer and shall place or locate all hydrants ordered installed in the future as directed by the City Engineer and Chief of the Fire Department and in accordance with stakes to be set by the City Engineer.

G. The City further agrees that all fire hydrants erected or when erected shall be used exclusively for the extinguishment of fires, necessary practice and drill of fire companies, and the necessary flushing of city sewers and gutters; but, in all cases of fire practice, sewer and/or street flushing, the City shall notify the Company in advance, except during emergencies. Following said use of water, the City shall report to the Company the location and elapse time such hydrant was used.

H. The Company shall install adjustable boxes over valves located in streets to be paved and shall change at its own expense any service connections or mains where such change is necessary and unavoidable in the construction of sewers by the City.

I. From and after the date of this Ordinance legally takes effect, the provision of water service by the Company shall be pursuant to the Rules and Regulations contained in its Master Tariff, P.U.C.O. No. 2 filed with the Public Utilities Commission of Ohio. The Company is hereby accorded the right to promulgate, publish and enforce and, from time to time, modify and change, consistent with the provisions hereof, reasonable rules and regulations for the proper operation and protection of its plant property and the making of connections and the furnish of service. Such rules and regulations shall be filed with the Public Utilities Commission of Ohio as provided by law. Amendments to the rules and regulations as they may exist from time to time may be made in like manner.

J. The City's officials shall have free access to the property of the Company during all reasonable times upon notice being given to the Manager of the Company.

Section 2:

The terms and conditions in this Ordinance shall continue and be in force for a period commencing when this Ordinance legally takes effect through June 30, 2004 and thereafter, so long as the Company continues to provide water service within the City or until the terms and conditions hereof are supplemented or adjusted according to law, whichever occurs first.

Section 3:

This Ordinance and the written acceptance thereof by the Company filed in the office either of the Clerk of Council or the Auditor of the city after its passage and approval by the Mayor shall constitute a contract between the City and the Company, pursuant to and by virtue of Section 4 and 5 of Article XVIII of the Constitution of Ohio.

Section 4:

That this Ordinance is hereby declared to be an emergency measure. The reason for the emergency being to provide efficient water service to 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 full from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 2001

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with Perrin Asphalt Company, for the construction of the golf course cart paths phase II at The Legends of Massillon's additional nine hole expansion, 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 Perrin Asphalt Company, for the construction of the golf course cart paths phase II at The Legends of Massillon's additional nine hole expansion.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract agreement with Perrin Asphalt Company, for the construction of the golf course cart paths phase II at The Legends of Massillon's additional nine hole expansion. The cost of said contract shall not exceed Sixty-Seven Thousand Dollars (\$67,000.00)

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 enter into contract so that Perrin Asphalt company can begin construction of the golf course cart paths phase II at The Legends of Massillon's additional nine hole expansion. 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 _____ 2001

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 93 - 2001

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 4.861 acres of land known as Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose, 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 prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 4.861 acres of land known as Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 2:

The following described real estate belonging to the City of Massillon, Ohio, is not needed for any municipal purpose, to-wit:

Known as and being 4.861 acres of City owned land known as Out Lot No. 739 in the City located at the northwest corner of Nave Road S.E. and University Drive S.E., in the City of Massillon, Stark County, Ohio.

Section 3:

The Director of Public Safety and Service be and is hereby authorized to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the sale of 4.861 acres of land known as Out Lot No. 739 in the City of Massillon, Stark County, Ohio and owned by said City, which is not needed for any municipal purpose.

Section 4:

The advertisement for the bidding of said real estate shall contain the following instructions:

- 1). Each bidder shall be prepared to review with the administration of the City of Massillon and City Council their intended use for the real estate.
- 2). The successful bidder shall be responsible to pay all fees and costs associated with the sale and transfer of said property.
- 3). The City reserves the right to reject any and all bids.

Section 5:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason of such emergency arising out of the necessity to dispose of real estate no longer needed for any municipal purpose for the best price obtainable. 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 _____ 2001

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

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

SURVEY STONE
FOUND



N 01°21'53" E 629.76'

N 82°29'16" E
4.22'

S 01°21'53" W
30.36'

PK NAIL
FOUND AND USED

S 84°15'18" W
28.83'

S 01°15'11" E 214.27'

N 01°15'11" W 189.58'

10.0'

30.0'

S 85°19'01" E 365.86'

N 85°19'01" W 345.57'

D.A. 83°39'26"
L=36.50'
R=25.00'
C.B. N 53°54'59" W
T=22.38'
C=33.35'

N 85°19'01" W 345.57'

S 85°19'01" E 365.86'

UNIVERSITY DRIVE

N 12°05'16" W 610.22'

N 12°05'16" W 534.80'

D.A. 96°20'34"
L=42.04'
R=25.00'
C.B. S 36°05'01" W
T=27.93'
C=37.26'

OUT LOT 739
4.861 Ac.

D.A. 03°36'40"
L=154.66'
R=2453.92'
C.B. N 82°26'58" E
T=77.36'
C=154.64'

N 12°05'16" W 565.35'

03"
7.51'
1.30'
3"E
1.99'
3.29'

S 12°05'16" E
64.31'

S 83°54'45" W 378.94'

S 59°58'10" E 772.26'

N 59°58'10" W 589.53'

SANITARY
EASEMENT

S 61°25'18" E
250.93'

10.0'

30.585'

10.0'

30.585'

10.0'

30.585'

10.0'

30.585'

10.0'

30.585'

10.0'

30.585'

OUT LOT 563

OUT LOT LINE

OUT LOT 562

A. R. LOUHARI
#95016197

D.A. 07°51'05"
L=336.27'
R=2453.92'
C.B. S 76°43'05" W
T=168.40'
C=336.01'

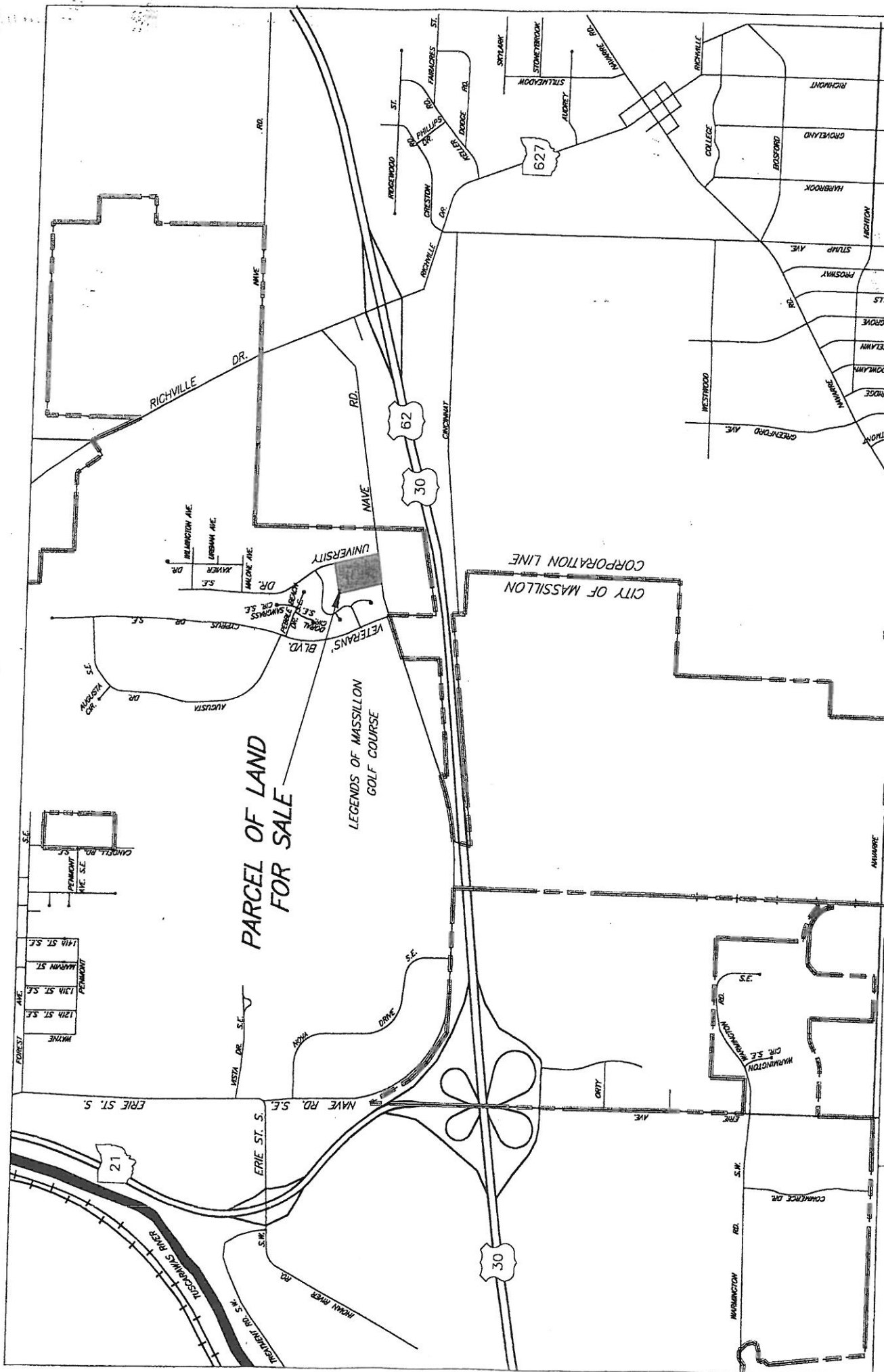
NAVE ROAD DEICATION

D.A. 11°27'43"
L=484.90'
R=2423.92'
C.B. N 78°31'26" E
T=243.26'
C=484.09'

S 17°16'33" E
30.00'

VETERANS BLVD. SE - 70' R/W

P.B. 60 PAGE 97



CITY OF MASSILLON
 Francis H. Cicchinelli, Jr.
 Mayor

LOCATION MAP
4.861 ACRE PARCEL OF LAND - OUT LOT 739

THE CITY OF MASSILLON, OHIO
 PREPARED BY THE
 ENGINEER OF THE CITY



DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 94 - 2001

1st Reading
2nd Reading 5/1/01
passed 5/1/01

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for, receive sealed bids according to law and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of the Wastewater Treatment Plant 2000 expansion 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,

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to prepare plans and specifications and to advertise for, receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the construction of the Wastewater Treatment Plant 2000 expansion in the City of Massillon.

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, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the construction of the Wastewater Treatment Plant 2000 expansion in the City of Massillon.

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 that bids be received so that construction of the Wastewater Treatment Plant 2000 expansion may begin. Provided it receives the affirmative vote of two-thirds of the elect 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 _____, 2001

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

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

DATE: APRIL 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
2nd reading 5/7/01
passed 5/21/01
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 95 - 2001

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a Loan Agreement with the OEPA/WPCLF for the 2001 upgrade for the Wastewater Treatment Plant upgrade, 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 Loan Agreement with OEPA/WPCLF for the 2001 upgrade for the Wastewater Treatment Plant.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a Loan Agreement with the OEPA/WPCLF for the 2001 upgrade for the Wastewater Treatment Plant upgrade. The cost of said agreement shall not exceed Thirty-Two Million Dollars (\$32,000,000.00).

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 enter into a Loan Agreement with the OEPA/WPCLF for the 2001 upgrade for the Wastewater Treatment Plant upgrade. 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 _____ 2001

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 96 - 2001

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" and enacting a new Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND", 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 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon are hereby repealed.

Section 2:

That there hereby is enacted new Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and Section 937.10 "ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES" of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

(SEE ATTACHED)

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 Departments 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 _____, 2001

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

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

937.08 ADMINISTRATION AND DISBURSEMENT OF FUNDS.

- (a) The funds received from the rates and charges hereinafter provided in Section 937.09 shall be deposited as received with the City Treasurer, who shall keep the same in a separate fund designated the Wastewater Treatment Revenue Fund. The Wastewater Treatment Revenue shall contain subaccounts hereinafter designated as follows:
- (1) Wastewater Treatment Fund The revenue deposited in this fund shall be: All County revenues and sixty-five percent (65%) of all City revenues.
- (2) WWT Debt Fund The revenue deposited in this fund shall be: All County debt service payments and thirty-five percent (35%) of all City revenues.
- (b) All funds received from the industrial surcharge hereinafter provided In Section 937.10 shall be deposited as received with the City Treasurer, who shall keep the same in the Wastewater Treatment Fund.
- (c) The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up Grade and Expansion. This service will be reviewed every two (2) years starting 2003.

937.09 ANNUAL RATES FOR SEWER SERVICE

- (a) The following rates are effective April 1, 2001, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL

ANNUAL RATE

Single Family Unit	\$142.00
Duplex Residential	\$284.00
Each Additional Residential Unit	\$142.00
Mobile Homes and House Trailers	\$142.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$ 22.20
Toilet/Urinal	\$ 95.00
Showers	\$ 60.00
Food Prep/Bar Sink (Per Bowl)	\$ 40.00
Hair Rinse Sink	\$ 22.20
Hand Sink	\$ 16.60
Slop Sink	\$ 22.80
Hotel/Motel	\$ 162.00
Each Bedroom	\$ 22.80
Rooming House	\$ 138.00
Each Bedroom	\$ 22.80
Laundromat or Coin Operated Machine	\$ 83.00
Commercial Laundries (By Pound)	\$ 9.00

Car Washes

Each Single Stall Manual	\$ 168.00
Each Single Stall Automatic	\$ 560.00
Each Drive-Through Automatic	\$3,556.00

Hospitals/Nursing Homes

(Per Employee/Patient)	\$ 19.60
Sports Facility/Arena (Per Seat)	\$ 2.00
Schools, Public – Private – Day Care	
Per Student and Employee	\$ 4.60

INDUSTRIAL

Industrial Flow for each Million Gallons	\$560.00
Industrial Employee (Per Employee)	\$ 22.80

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal	\$ 94.80
Shower	\$ 60.00
Hand Sink	\$ 16.60
Food Prep Sink (Per Bowl)	\$ 40.00

INDUSTRIAL

Industrial Flow for each Million Gallons \$560.00
Industrial Employee (Per Employee) \$ 26.60

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal	\$110.00
Shower	\$ 69.40
Hand Sink	\$ 19.20
Food Prep Sink (Per Bowl)	\$ 46.20

- (c) The following rates are effective October 1, 2003, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL

ANNUAL RATE

Single Family Unit	\$186.00
Duplex Residential	\$372.00
Each Additional Residential Unit	\$186.00
Mobile Homes and House Trailers	\$186.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$ 29.00
Toilet/Urinal	\$124.00
Showers	\$ 78.80
Food Prep/Bar Sink (Per Bowl)	\$ 52.80
Hair Rinse Sink	\$ 29.00
Hand Sink	\$ 21.80
Slop Sink	\$ 30.00
Hotel/Motel	\$212.00
Each Bedroom	\$ 30.00
Rooming House	\$180.00
Each Bedroom	\$ 30.00
Laundromat or Coin Operated Machine	\$108.80

Commercial Laundries (By Pound) \$ 12.00

Car Washes

Each Single Stall Manual \$221.00

Each Single Stall Automatic \$736.00

Each Drive-Through Automatic \$4,660.00

Hospitals/Nursing Homes

(Per Employee/Patient) \$ 25.40

Sports Facility/Arena (Per Seat) \$ 2.48

Schools, Public – Private – Day Care
(Per Student and Employee) \$ 5.90

INDUSTRIAL

Industrial Flow for each Million Gallons \$560.00

Industrial Employee (Per Employee) \$ 30.00

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal \$124.00

Shower \$ 78.80

Hand Sink \$ 21.80

Food Prep Sink (Per Bowl) \$ 52.40

- (d) For the purpose of determining the factory charge for any given year, the number of persons employed or engaged in services on the premises during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of such persons thereon on the first day of each of the six calendar months included in such period, which information shall be certified in writing by each employer to the Safety-Service Director.
- (e) For the purpose of determining the school charge for any given year, the number of pupils and regular employees in a school shall be the aggregate number thereof enrolled or employed on January 1, of the preceding year.
- (f) For the purpose of determining the charge for the hospitals, nursing or convalescent homes and for any given year, the number of patients, and regular employees during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of patients, and regular employees therein on the first day of each of the six calendar months included in such period.

9 (c) The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up Grade and Expansion. This service will be reviewed every two (2) years starting 2003.

937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES

- (a) Any person, firm or corporation served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids into the wastewater treatment system, which are of unusual strength, volume or character, but acceptable by the City for treatment, shall be subject to an additional surcharge which shall be over and above the rates and charges established by Section 937.09.
- (b) The surcharge shall be effective if any or all of the following are exceeded:
 - (1) A five-day BOD greater than 300 parts per million by weight;
 - (2) Suspended solids greater than 300 parts per million by weight;
- (c) The surcharge shall be calculated and billed quarterly based on the results of tests and measurements made by the City effective April 1, 2001:

Additional Surcharge effective April 1, 2001

- (1) BOD in excess of 300 mg/l \$0.06/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.06/lb of SS

Additional Surcharge effective October 1, 2001

- (1) BOD in excess of 300 mg/l \$0.07/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.07/lb of SS

Additional Surcharge effective October 1, 2002

- (1) BOD in excess of 300 mg/l \$0.08/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.08/lb of SS

Additional Surcharge effective October 1, 2003

- (1) BOD in excess of 300 mg/l \$0.09/lb BOD
- (2) Suspended solids in excess of 300 mg/l \$0.09/lb of SS

Additional Surcharge effective October 1, 2004

- (1) BOD in excess of 300 mg/l \$0.010/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.010/lb of SS

- (d) When required by the Director of Public Safety and Service, the owner of any property discharging such wastes shall install a suitable chamber with gauging and sampling equipment in the building sewer to permit observation, sampling and measurement of the wastes from his premises. Such chamber and equipment shall be constructed in accordance with plans approved by the Director and shall be installed by the owner at his expense and shall be maintained by him.

- (e) All measurements, tests and analyses of the characteristics of such wastes shall be determined by the City in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (f) The strength of the wastes shall be determined from samples taken at the aforementioned chamber at any period or time and of such duration and in such manner as agreed upon between the owner and the City. The results of routine sampling and analysis by the owner may also be used, in determining the amount of the surcharge after verification by the City. The strength so found by analysis shall be used in determining the amount of the surcharge.
- (g) The City shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gaging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the City will observe all safety rules applicable to the premises, established by the company.
Where a company or premises has security measures in force which require proper identification and clearance before entry into the company or premises is granted, such company or premises shall either make the necessary arrangements with their security guards that upon showing proper identification, personnel from the City will be permitted to enter, without delays, for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company or premises shall install suitable gaging and sampling manholes outside the security limits, which manholes will at all times be immediately accessible to City personnel.
- (h) If a person, firm or corporation disagrees with the analysis on which the surcharge is based, he or it may request, in writing, additional sampling and analysis which shall be conducted in a manner acceptable to the Director of Safety-Service and the Manager of Wastewater Treatment. The cost of such additional sampling and analysis shall be borne in full by the requestor.

(c)

The proposed rates will be re-evaluated after the bid opening of the 2001 Wastewater Treatment Plant Up Grade and Expansion. This service will be reviewed every two (2) years starting 2003.

937.08 ADMINISTRATION AND DISBURSEMENT OF FUNDS.

- (a) The funds received from the rates and charges hereinafter provided in Section 937.09 shall be deposited as received with the City Treasurer, who shall keep the same in a separate fund designated the Wastewater Treatment Revenue Fund. The Wastewater Treatment Revenue shall contain subaccounts hereinafter designated as follows:
- (1) Wastewater Treatment Fund The revenue deposited in this fund shall be: All County revenues and sixty-five percent (65%) of all City revenues.
- (2) WWT Debt Fund The revenue deposited in this fund shall be: All County debt service payments and thirty-five percent (35%) of all City revenues.
- (b) All funds received from the industrial surcharge hereinafter provided In Section 937.10 shall be deposited as received with the City Treasurer, who shall keep the same in the Wastewater Treatment Fund.
- (c) This service will be reviewed every two (2) years starting 2003.

937.09 ANNUAL RATES FOR SEWER SERVICE

- (a) The following rates are effective April 1, 2001, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

<u>RESIDENTIAL</u>	<u>ANNUAL RATE</u>
Single Family Unit	\$142.00
Duplex Residential	\$284.00
Each Additional Residential Unit	\$142.00
Mobile Homes and House Trailers	\$142.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$ 22.20
Toilet/Urinal	\$ 95.00
Showers	\$ 60.00
Food Prep/Bar Sink (Per Bowl)	\$ 40.00
Hair Rinse Sink	\$ 22.20
Hand Sink	\$ 16.60
Slop Sink	\$ 22.80
Hotel/Motel	\$ 162.00
Each Bedroom	\$ 22.80
Rooming House	\$ 138.00
Each Bedroom	\$ 22.80
Laundromat or Coin Operated Machine	\$ 83.00
Commercial Laundries (By Pound)	\$ 9.00

Car Washes

Each Single Stall Manual	\$ 168.00
Each Single Stall Automatic	\$ 560.00
Each Drive-Through Automatic	\$ 3,556.00

Hospitals/Nursing Homes

(Per Employee/Patient)	\$ 19.60
Sports Facility/Arena (Per Seat)	\$ 2.00
Schools, Public – Private – Day Care	
Per Student and Employee	\$ 4.60

INDUSTRIAL

Industrial Flow for each Million Gallons	\$560.00
Industrial Employee (Per Employee)	\$ 22.80

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal	\$ 94.80
Shower	\$ 60.00
Hand Sink	\$ 16.60
Food Prep Sink (Per Bowl)	\$ 40.00

- (b) The following rates are effective October 1, 2001, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL

ANNUAL RATE

Single Family Unit	\$164.00
Duplex Residential	\$328.00
Each Additional Residential Unit	\$164.00
Mobile Homes and House Trailers	\$164.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$ 25.60
Toilet/Urinal	\$110.00
Showers	\$ 69.40
Food Prep/Bar Sink (Per Bowl)	\$ 46.20
Hair Rinse Sink	\$ 25.60
Hand Sink	\$ 19.20
Slop Sink	\$ 26.40
Hotel/Motel	\$186.40
Each Bedroom	\$ 26.40
Rooming House	\$158.80
Each Bedroom	\$ 26.40
Laundromat or Coin Operated Machine	\$95.80
Commercial Laundries (By Pound)	\$ 10.40

Car Washes

Each Single Stall Manual	\$194.40
Each Single Stall Automatic	\$648.00
Each Drive-Through Automatic	\$4,106.00

Hospitals/Nursing Homes

(Per Employee/Patient)	\$ 22.40
Sports Facility/Arena (Per Seat)	\$ 2.20
Schools, Public – Private – Day Care (Per Student and Employee)	\$ 5.20

INDUSTRIAL

Industrial Flow for each Million Gallons \$560.00
Industrial Employee (Per Employee) \$ 26.60

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal	\$110.00
Shower	\$ 69.40
Hand Sink	\$ 19.20
Food Prep Sink (Per Bowl)	\$ 46.20

- (c) The following rates are effective October 1, 2003, with respect to any such premises situated within the corporate limits of the City. All Sewer Charges will be billed on a Quarterly basis, with billing in the months of January, April, July and October.

RESIDENTIAL

ANNUAL RATE

Single Family Unit	\$186.00
Duplex Residential	\$372.00
Each Additional Residential Unit	\$186.00
Mobile Homes and House Trailers	\$186.00

COMMERCIAL

(Stores, Restaurants, Bars, Garages, Gas Stations, Professional Offices, Barber/Beauty Shops, Bowling alleys, Theaters, Lodges, Clubs, Business Offices and any other public building)

Church	\$ 29.00
Toilet/Urinal	\$124.00
Showers	\$ 78.80
Food Prep/Bar Sink (Per Bowl)	\$ 52.80
Hair Rinse Sink	\$ 29.00
Hand Sink	\$ 21.80
Slop Sink	\$ 30.00
Hotel/Motel	\$212.00
Each Bedroom	\$ 30.00
Rooming House	\$180.00
Each Bedroom	\$ 30.00
Laundromat or Coin Operated Machine	\$108.80

Commercial Laundries (By Pound) \$ 12.00

Car Washes

Each Single Stall Manual \$221.00

Each Single Stall Automatic \$736.00

Each Drive-Through Automatic \$4,660.00

Hospitals/Nursing Homes

(Per Employee/Patient) \$ 25.40

Sports Facility/Arena (Per Seat) \$ 2.48

Schools, Public – Private – Day Care
(Per Student and Employee) \$ 5.90

INDUSTRIAL

Industrial Flow for each Million Gallons \$560.00

Industrial Employee (Per Employee) \$ 30.00

INDIAN RIVER YOUTH FACILITY

Toilet/Urinal \$124.00

Shower \$ 78.80

Hand Sink \$ 21.80

Food Prep Sink (Per Bowl) \$ 52.40

- (d) For the purpose of determining the factory charge for any given year, the number of persons employed or engaged in services on the premises during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of such persons thereon on the first day of each of the six calendar months included in such period, which information shall be certified in writing by each employer to the Safety-Service Director.
- (e) For the purpose of determining the school charge for any given year, the number of pupils and regular employees in a school shall be the aggregate number thereof enrolled or employed on January 1, of the preceding year.
- (f) For the purpose of determining the charge for the hospitals, nursing or convalescent homes and for any given year, the number of patients, and regular employees during the applicable billing period shall be considered to be that number arrived at by averaging over such period the number of patients, and regular employees therein on the first day of each of the six calendar months included in such period.
- (g) This service will be reviewed every two (2) years starting 2003

937.10 ADDITIONAL SURCHARGE FOR INDUSTRIAL WASTES

- (a) Any person, firm or corporation served by a sewer connection which discharges sanitary sewage, industrial wastes, water or other liquids into the wastewater treatment system, which are of unusual strength, volume or character, but acceptable by the City for treatment, shall be subject to an additional surcharge which shall be over and above the rates and charges established by Section 937.09.
- (b) The surcharge shall be effective if any or all of the following are exceeded:
 - (1) A five-day BOD greater than 300 parts per million by weight;
 - (2) Suspended solids greater than 300 parts per million by weight;
- (c) The surcharge shall be calculated and billed quarterly based on the results of tests and measurements made by the City effective April 1, 2001:

Additional Surcharge effective April 1, 2001

- (1) BOD in excess of 300 mg/l \$0.06/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.06/lb of SS

Additional Surcharge effective October 1, 2001

- (1) BOD in excess of 300 mg/l \$0.07/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.07/lb of SS

Additional Surcharge effective October 1, 2002

- (1) BOD in excess of 300 mg/l \$0.08/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.08/lb of SS

Additional Surcharge effective October 1, 2003

- (1) BOD in excess of 300 mg/l \$0.09/lb BOD
- (2) Suspended solids in excess of 300 mg/l \$0.09/lb of SS

Additional Surcharge effective October 1, 2004

- (1) BOD in excess of 300 mg/l \$0.010/lb of BOD
- (2) Suspended solids in excess of 300 mg/l \$0.010/lb of SS

- (d) When required by the Director of Public Safety and Service, the owner of any property discharging such wastes shall install a suitable chamber with gauging and sampling equipment in the building sewer to permit observation, sampling and measurement of the wastes from his premises. Such chamber and equipment shall be constructed in accordance with plans approved by the Director and shall be installed by the owner at his expense and shall be maintained by him.
- (e) All measurements, tests and analyses of the characteristics of such

wastes shall be determined by the City in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

- (f) The strength of the wastes shall be determined from samples taken at the aforementioned chamber at any period or time and of such duration and in such manner as agreed upon between the owner and the City. The results of routine sampling and analysis by the owner may also be used, in determining the amount of the surcharge after verification by the City. The strength so found by analysis shall be used in determining the amount of the surcharge.
- (g) The City shall have the right to enter and set up, on company property, such devices as are necessary to conduct a gaging and sampling operation and to begin such operation without advance notice to the company. While performing the work, the City will observe all safety rules applicable to the premises, established by the company.
Where a company or premises has security measures in force which require proper identification and clearance before entry into the company or premises is granted, such company or premises shall either make the necessary arrangements with their security guards that upon showing proper identification, personnel from the City will be permitted to enter, without delays, for the purpose of obtaining grab samples of wastes being discharged at the various sampling points; or the company or premises shall install suitable gaging and sampling manholes outside the security limits, which manholes will at all times be immediately accessible to City personnel.
- (h) If a person, firm or corporation disagrees with the analysis on which the surcharge is based, he or it may request, in writing, additional sampling and analysis which shall be conducted in a manner acceptable to the Director of Safety-Service and the Manager of Wastewater Treatment. The cost of such additional sampling and analysis shall be borne in full by the requestor.
- (i) This Service will be reviewed every two (2) years starting 2003.

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
passed 5-7-01
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 97 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Perry Townships, and declaring an emergency.

WHEREAS, Massillon Township was erected to conform with the corporation limits of the City of Massillon, Stark County, Ohio by the Board of County Commissioners on August 19, 1963, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the erection of said Massillon Township, through the annexation of one tract of land comprising a part of Perry Township, and

WHEREAS, these annexed lands are still shown as a part of Perry Township and the County Commissioners must amend the boundaries.

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 the corporation limits of the City of Massillon includes one tract of land which is part of Perry Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Perry Township changed by excluding this tract of land from said Perry Township and adding this one tract of land to Massillon Township within the corporation limits of the City.

Section 2:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07 Ohio Revised Code, to change the Township boundaries of Perry Township and Massillon Township, all in Stark County, Ohio, by excluding from said Perry Township and by adding to said Massillon Township the respective areas thereof which are presently located within the corporation limits of the City of Massillon, Ohio, which areas are described as follows:

Situated in the Township of Perry, County of Stark, and State of Ohio, and known as being parts of the Northeast Quarter of Section 16 and the Northwest Quarter of Section 15, Township 10, (Perry), Range 9, and more fully bounded and described as follows:

Beginning at the Southeast corner of the Northeast Quarter Section 16, Perry Township, said corner also being the intersection of Southway Street S.W. and Jackson Avenue S.W.;

Thence N83°20'42"W, a distance of 15.00 feet to a point, said point being on the centerline of Southway Street S.W. and on the westerly right-of-way line of Jackson Avenue S.W.;

Thence N06°33'12"E, along the westerly right-of-way line of Jackson Ave. SW, said right of way line also being the current corporation line of the City of Massillon, a distance of 2540.86 feet to a point;

Thence S84°55'38"E, along said Corporation line a distance of 15.00 feet to a point, said point being on the centerline of Jackson Avenue SW and on the West line of Section 15, Perry Township;

Thence S06°33'12"W, along said centerline and section line a distance of 130.93 feet to a point; said point being the northwest corner of a 30.423 acre tract of land now or formerly owned by Schalmo Properties Inc.;

Thence S84°50'45"E a distance of 947.12 feet to a point, said point being on the Northeast corner of said 30.423 acre tract;

Thence S05°39'30"W a distance of 1594.85 feet to a point; (crossing over an iron pin at a distance of 1509.41 feet; said pin being the Southeast corner of said 30.423 acre tract) said point on the South property line of the Norfolk Southern Railroad (formerly the Pittsburgh, Fort Wayne and Chicago Railroad);

Thence along said Railroad property the following courses:

N68°08'39"W a distance of 176.98 feet to a point;

A curve to the left through a central angle of 03°49'44", an arc distance of 379.63 feet a chord bearing of N70°03'31"W a chord distance of 379.56 feet to a point, said point being at the Northeast corner of a 8.968 acre tract of land now or formerly owned by Leann Inc.;

Thence along said 8.968 acre tract the following courses:

S06°33'12"W a distance of 794.17 feet to a point;

N83°20'42"W a distance of 250.00 feet to a point;

S06°33'12"W a distance of 180.00 feet to a point; said point being in the centerline of Southway St. S.W. and on the south line of the Northwest Quarter of Section 15, Perry Township;

Thence N83°20'42"W along said centerline and section line, a distance of 181.80 feet to the Southwest corner of the Northwest Quarter Section 15, and the true place of beginning for the tract of land herein described.

Said tract of land to be annexed contains 42.154 acres of land, more or less, of which 41.279 acres are in the Northwest Quarter Section 15 Perry Township, and 0.875 acres are in the Northeast Quarter Section 16 Perry Township.

Section 3:

Attached hereto and made a part of this Ordinance is a map covering the tract of land described in Section 2 of this Ordinance.

Section 4:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the one tract of land described in Section 2 of this Ordinance to Massillon Township, Stark County, Ohio.

Section 5:

Upon passage of this Ordinance the Clerk of Council is directed to forward a certified copy thereof and the attached map, together with an authenticated copy of the proceedings relating thereto, to the Board of County Commissioners of Stark County, Ohio.

Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Massillon Township conform with the corporation lines of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 98 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the annexation of certain contiguous territory owned by the City of Massillon, appointing Robert Sanderson as an Agent for the City as Petitioner, defining those City services to be provided to the Territory and directing the City Director of Law and the City Engineer to prosecute the proceedings necessary to effectuate such annexation and declaring the same to be an emergency.

WHEREAS, heretofore, for the purpose of promoting the recreational and economic development of the City of Massillon and the State of Ohio, the City of Massillon purchased certain territory situated in Stark County and contiguous to the boundaries of the City of Massillon; and

WHEREAS, the development of the territory for economic and recreational purposes can be accomplished only upon the annexation of said territory to the City of Massillon; and

WHEREAS, Ohio Revised Code Sections 709.14, 709.15 and 709.16(B) provide for an expedited annexation proceeding in those instances where the territory sought to be annexed is contiguous to the City boundaries and is located entirely within the same county as the municipal corporation; and

WHEREAS, Ohio Revised Code Section 709.16(B) provides:

"(B) If the only territory to be annexed is contiguous territory owned by the municipal corporation seeking annexation and if such territory is located entirely within the same county as the municipal corporation seeking annexation, upon receipt of the petition required by section 709.15 of the Revised code, the Board of County commissioners shall, by resolution, approve the annexation and make such adjustments of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the Board determines to be proper. The annexation shall be complete upon the entry pursuant to the board's resolution, of an order upon the journal of the board authorizing such annexation.";

and,

WHEREAS, Ohio Revised Code Section 709.14 requires as a condition to such annexation that the legislative authority adopt an ordinance authorizing the annexation to be made and directing the Director of Law or someone to be named in the ordinance to prosecute the proceedings necessary to effectuate the annexation; and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon have found, considered and determined that the need to annex said territory to the City of Massillon in sufficient time for said territory to be economically developed constitutes an emergency requiring immediate action;

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

Section 1:

Robert Sanderson is hereby appointed Agent for the City as Petitioner and is directed to forthwith submit to the Stark County Board of County Commissioners a petition, on behalf of the City of Massillon, for the annexation of the contiguous territory hereinafter described, together with an accurate description of the territory (the "Territory") and an accurate map or plat thereof. Robert Sanderson, with the assistance of John D. Ferrero, Jr., Director of Law, or such attorney-at-law as Mr. Ferrero shall designate, shall also prosecute the proceedings necessary to effectuate the annexation, including any action including prosecution of an injunction, mandamus, appeal, or other appropriate action in a Court of Competent Jurisdiction. The Territory to be annexed is described on Exhibit A which is made a part hereof and incorporated herein by reference.

Section 2:

The City of Massillon will extend to the Territory, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, including, but not limited to, the services of the Municipal fire Department, services of the Municipal Service Department, services of the engineering Department, services of the Building Department, services of the Safety Department, services of the Street Department, services of the Planning Department, services of the health Department, services of the Sewer Department and services of the city of Massillon Administration.

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 for the more efficient operation of the City of Massillon, Ohio, and necessary for the reason that an expedited annexation is required to enable said territory to be economically developed. This Ordinance, having received the affirmative vote of at least two-thirds of the elected members of Council, shall take effect and be in force immediately upon its journalization and approval by the Mayor.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

**PETITION
BY CITIZENS FOR THE SIPPO VALLEY TRAIL, SECTION B
ANNEXATION TO THE CITY OF MASSILLON, OHIO**

TO THE COMMISSIONERS OF STARK COUNTY, STATE OF OHIO:

We, the undersigned, being a majority of the adult owners of real estate in the territory hereinafter described, hereby petition for the annexation of the following described territory to the City of Massillon, Massillon Township, Stark County, Ohio.

Situated in the township of Tuscarawas, County of Stark, and State of Ohio, and known as and being part of Sections 4, 5, 6, 7, and 8, Township 12, (Tuscarawas), Range 10, and more fully bounded and described as follows:

Beginning at the Northeast corner of the Southeast Quarter of Section 4, Tuscarawas Township; said point also being on the centerline of Manchester Ave. (State Route 93) and being the true place of beginning;

Thence S 02°47'00" W, along said centerline and section line, a distance of 66.00 feet to a point; said point also being the Northeast corner of a tract of land currently or formerly owned by William and Nancy Rohr;

Thence along said Rohr tract, on a bearing of N 89°25'00" W a distance of 2691.93 feet to a point, said point being on the west line of said Quarter Section and the centerline of Ben Fulton Ave.;

Thence along the North line of a tract of land currently or formerly owned by Mark and Rebecca Princehorn, on a bearing of N 89°25'00" W a distance of 2673.00 feet to a point, said point lying on the West line of Section 4, Tuscarawas Township;

Thence continuing along the North line of a tract of land currently or formerly owned by William and Vicki Rohr on a bearing of N 89°25'00" W a distance of 1329.79 feet to a point;

Thence along a curve to the left through a central angle of 42°17'16" an arc distance of 2794.91 feet a chord bearing of S 69°28'38" W a chord distance of 2731.90 feet to a point, said point lying on the west line of a tract of land currently or formerly owned by Brian and Julie Burrow;

Thence along said Burrow property the following courses:

S 48°20'00" W a distance of 115.83 feet to a point;

S 41°40'00" E a distance of 17.00 feet to a point;

Along a curve to the left through a central angle of $11^{\circ}00'57''$ an arc distance of 1098.69 feet a chord bearing of $S\ 42^{\circ}03'04''\ W$ a chord distance of 1097.00 feet to a point,

Thence $S\ 37^{\circ}08'43''\ W$, along the west line of a tract of land currently or formerly owned by Lester and Cynthia King, and passing over the South line of Section 5, a distance of 1066.89 feet to a point; said point lying on the west line of the Northwest Quarter Section 8 and the East line of Section 7, Tuscarawas Township;

Thence along the westerly line of a tract of land currently or formerly owned by Albert J. Ruegg the following courses:

$S\ 35^{\circ}49'37''\ W$ a distance of 1085.21 feet to a point;

Along a curve to the right through a central angle of $22^{\circ}01'29''$ an arc distance of 1120.51 feet a chord bearing of $S\ 48^{\circ}28'26''\ W$ a chord distance of 1113.62 feet to a point;

Along a curve to the left through a central angle of $34^{\circ}45'25''$ an arc distance of 374.45 feet a chord bearing of $S\ 22^{\circ}23'19''\ W$ a chord distance of 368.74 feet to a point;

Along a curve to the left through a central angle of $87^{\circ}06'41''$ an arc distance of 762.73 feet a chord bearing of $S\ 38^{\circ}32'44''\ E$ a chord distance of 691.36 feet to a point on the South line of the North half of Section 7;

Thence along said section line, on a bearing of $S\ 89^{\circ}25'00''\ E$ a distance of 1037.64 feet to a point on the East line of section 7, said point also being the Southwest corner of the Northwest Quarter Section 8;

Thence continuing along the South line of said section on a bearing of $S\ 89^{\circ}25'00''\ E$ a distance of 1787.89 feet to a point, said point lying on the South line of a tract of land currently or formerly owned by Albert J. Ruegg;

Thence along the West line of a tract of land currently or formerly owned by Kim and Carrie Kreiger the following courses:

A curve to the right through a central angle of $88^{\circ}09'31''$ an arc distance of 913.48 feet a chord bearing of $S\ 42^{\circ}24'50''\ E$ a chord distance of 826.00 feet to a point;

$S\ 02^{\circ}47'00''\ W$ a distance of 108.10 feet to a point;

Thence along a curve to the left through a central angle of $60^{\circ}55'41''$ an arc distance of 588.79 feet a chord bearing of $S\ 28^{\circ}47'55''\ E$ a chord distance of 561.43 feet to a point; said point lying on the East line of the Southwest Quarter Section 8, said East line also being the centerline of Alabama Avenue;

Thence along said centerline on a bearing of $S\ 02^{\circ}01'46''\ W$ a distance of 45.90 feet to a point; said point being in the right of way of Lincoln Street (State Route 172);

Thence $N\ 57^{\circ}18'37''\ W$ a distance of 10.77 feet to a point;

Thence along the east line of a parcel of land currently or formerly owned by Wain and Norma Neuenschwander the following courses:

A curve to the right through a central angle of $62^{\circ}01'00''$ an arc distance of 642.60 feet a chord bearing of $N\ 29^{\circ}28'12''\ W$ a chord distance of 613.28 feet to a point;

$N\ 02^{\circ}47'00''\ E$ a distance of 108.10 feet to a point;

A curve to the left through a central angle of $88^{\circ}24'10''$ an arc distance of 854.29 feet a chord bearing of $N\ 42^{\circ}32'10''\ W$ a chord distance of 772.04 feet to a point;

Thence $N\ 89^{\circ}25'00''\ W$ a distance of 1785.67 feet to a point, said point lying on the West line of the Southwest Quarter Section 8 and also being the Northeast corner of a tract of land currently or formerly owned by Walter and Alice Harrold;

Thence continuing along said Harrold tract, on a bearing of $N\ 89^{\circ}25'00''\ W$ a distance of 1040.42 feet to a point;

Thence along a curve to the right through a central angle of $87^{\circ}00'30''$ an arc distance of 823.88 feet a chord bearing of $N\ 38^{\circ}33'47''\ W$ a chord distance of 746.73 feet to a point;

Thence along a tract of land currently or formerly owned by Timothy Blosser the following courses:

A curve to the right through a central angle of $26^{\circ}54'32''$ an arc distance of 308.69 feet a chord bearing of $N\ 18^{\circ}27'53''\ E$ a chord distance of 305.86 feet to a point;

A curve to the left through a central angle of $00^{\circ}56'37''$ an arc distance of 48.01 feet a chord bearing of $S\ 61^{\circ}50'37''\ W$ a chord distance of 48.01 feet to a point;

$N\ 00^{\circ}05'21''\ E$ a distance of 19.20 feet to a point;

A curve to the right through a central angle of $08^{\circ}38'11''$ an arc distance of 436.81 feet a chord bearing of $S\ 66^{\circ}27'27''\ W$ a chord distance of 436.40 feet to a point;

$S\ 69^{\circ}27'07''\ W$ a distance of 88.41 feet to a point; said point lying on the west line of Section 7 and also being the centerline of Deerfield Avenue, and the Stark/Wayne County line;

Thence along said centerline $N\ 00^{\circ}44'17''\ E$ a distance of 70.56 feet to a point, said point being the Southwest corner of a tract of land currently or formerly owned by Ira and Evelyn Forrer;

Thence along said Forrer tract and a tract currently or formerly owned by Seth and Darla Everhart the following courses:

$N\ 69^{\circ}27'07''\ E$ a distance of 63.58 feet to a point;

A curve to the left through a central angle of $47^{\circ}40'00''$ an arc distance of 2356.00 feet a chord bearing of $N\ 46^{\circ}57'00''\ E$ a chord distance of 2288.64 feet to a point;

Thence along the east line of two tracts of land currently or formerly owned by Canton Baptist Temple the following courses:

$N\ 23^{\circ}07'00''\ E$ a distance of 160.77 feet to a point;

A curve to the right through a central angle of $12^{\circ}27'35''$ an arc distance of 630.19 feet a chord bearing of $N\ 29^{\circ}20'47''\ E$ a chord distance of 628.95 feet to a point (passing over the North line of Section 7); said point lying on the East line of Section 6;

Thence along said Section line $N\ 03^{\circ}12'55''\ E$ a distance of 31.54 feet to a point;

Thence along a tract of land currently or formerly owned by Elwood and Wilda Horst the following courses:

A curve to the right through a central angle of $12^{\circ}14'31''$ an arc distance of 622.81 feet a chord bearing of $N\ 42^{\circ}12'45''\ E$ a chord distance of 621.62 feet to a point;

$N\ 48^{\circ}20'00''\ E$ a distance of 458.00 feet to a point;

$S\ 41^{\circ}40'00''\ E$ a distance of 17.00 feet to a point;

$N\ 48^{\circ}20'00''\ E$ a distance of 817.50 feet to a point;

A curve to the right through a central angle of $22^{\circ}16'41''$ an arc distance of 1498.08 feet a chord bearing of $N 59^{\circ}28'20'' E$ a chord distance of 1488.66 feet to a point, said point lying on the East line of the Southwest Quarter Section 5, and also being the centerline of Alabama Avenue;

Thence along said centerline $N 02^{\circ}46'00'' E$ a distance of 231.78 feet to a point, said point being the Northwest corner of the Southeast Quarter of Section 5 and the south line of a tract of land currently or formerly owned by Mutchler Farms Ltd.;

Thence along the North line of said Southeast Quarter Section, on a bearing of $S 89^{\circ}25'00'' E$ a distance of 1312.66 feet to a point;

Thence along said Quarter Section line, on a bearing of $S 89^{\circ}25'00'' E$ a distance of 1332.28 feet to a point, said point lying on the East line of Section 5, and the North line of the Southwest Quarter Section 4;

Thence along said Quarter Section Line on a bearing of $S 89^{\circ}25'00'' E$ a distance of 2673.00 feet to a point on the centerline of Ben Fulton Avenue, said point also being the Northwest corner of the Southeast Quarter Section 4;

Thence along the North line of said Quarter Section on a bearing of $S 89^{\circ}25'00'' E$ a distance of 2691.93 to a point; said point being the Northeast corner of the Southeast Quarter Section 4 and being the true place of beginning.

This description contains former railroad property deeded to the City of Massillon from the Wheeling and Lake Erie Railroad by Imaging Record Number 1995055122 of the Stark County Records.

The parcel herein described contains 38.2692 calculated acres, more or less, of which:

- 4.0757 acres lie in Southeast Section 4,
- 4.0470 acres lie in Southwest Section 4,
- 6.3436 acres lie in Southeast Section 5,
- 10.8075 acres lie in Southwest Section 5,
- 0.5371 acres lie in South half Section 6,
- 7.9377 acres lie in North half Section 7,
- 1.0311 acres lie in South half Section 7,
- 0.3115 acres lie in Northwest Section 8,
- 3.1780 acres lie in Southwest Section 8,

and all being in Tuscarawas Township, Stark County, Ohio.

Robert Sanderson, 13277 Fern Ave. N.W., Hartville, Ohio, is hereby appointed agent for the undersigned petitioners as required RC 709.02 with full power and authority hereby granted to said agent to amend, alter, change, withdraw, refile, substitute, and to take any

action necessary for obtaining the granting of this petition. Said amendment, compromise, increase or deletion, or other things for granting this petition shall be made in the petition, description, and/or plat by said agent without further expressed consent of the petitioners.

K:\Ani\ENGR\ENGR\PROJECTS\Annexations\01ax02\PETITION.doc

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 99 - 2001

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, 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 addition and remodeling of Fire Station Number 3 of the City of Massillon Fire 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 and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the addition and remodeling of Fire Station Number 3 for the City of Massillon Fire 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 addition and remodeling of Fire Station Number 3 for the City of Massillon Fire 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 that the additional and remodeling of Fire Station Number 3 be started. 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 _____, 2001

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

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 100 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Parks and Recreation Rec Center Project Fund, Street Construction M&R Fund, General Fund, Solid Waste Fund, Park and Recreation Fund and Wastewater Treatment Fund for the year ending December 31, 2001, 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 Parks & Recreation Rec Center Project Fund for the year ending December 31, 2001, the following:

\$7,977,700.00 to an account entitled "Capital Improvement Projects" 1435.505.2510
22,300.00 to an account entitled "Services/Contracts" 1435.505.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Street Construction M&R Fund for the year ending December 31, 2001, the following:

\$ 381.00 to an account entitled "Refunds" 1201.435.2720

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2001, the following:

\$ 257.00 to an account entitled "Refunds" 1100.905.2720

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund for the year ending December 31, 2001, the following:

170.00 to an account entitled "Refunds" 2102.605.2720

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Park & Recreation Fund for the year ending December 31, 2001, the following:

\$ 143.00 to an account entitled "Refunds" 1234.505.2720

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund for the year ending December 31, 2001, the following:

\$ 58.00 to an account entitled "Refunds" 2101.610.2720

Section 7:

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 _____ 2001

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

*at reading
Tabled Indefinitely 5/7/01*

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 101 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Probation Service Fund of the City of Massillon, Ohio, for the year ending December 31, 2001, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2001, the following:

\$ 800.00 to an account entitled "Transfer To" 1238.125.2710

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for the Domestic Violence Prosecutor Program 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: APRIL 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

1st reading
Tabled Indefinitely 5/10/01

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 102 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2001 appropriation from the Probation Services Fund to the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 2001 appropriation from the Probation Service Fund to General Fund, of the City of Massillon, the following:

\$ 800.00 FROM: "Transfer To" 1238.125.2710
TO: "Transfer In" 1100.905.1860

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 support of the Domestic Violence Prosecutor Program and to cover health care benefits, 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
Tabled Indefinitely 5/1/01
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 103 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2001, and declaring an emergency.

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

Section 1:

There be and hereby is appropriated from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2001, the following:

\$ 800.00 to an account entitled "Salary" 1100.115.2111

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for Massillon Law 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 _____ 2001

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

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

DATE: April 16, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

1st Reading

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 11 - 2001

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION. supporting the H.B. 808 that states emergency measures be taken in this country to save the steel industry, and declaring an emergency.

WHEREAS, the steel industry is in jeopardy of being eliminated from the United States of America through imported and illegal dumping in our country;

WHEREAS, foreign countries which sell government subsidized steel at a cheaper rate than steel produced in the United States help their own economies improve by dumping below market-priced steel while putting American steelworkers out of work; and

WHEREAS, existing laws regarding steel dumping are not enforced nor strict enough in this country; and thus has forced 16 U.S. steel makers to file for bankruptcy protection and resulting in the loss of thousands of steelworker jobs, and

WHEREAS, the American Steel Industry plays a vital role in the national defense of our country;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, SATE OF OHIO, THAT:

Section 1:

The Council of the City of Massillon hereby supports H.B. 808 that states emergency measures be taken in this country to save the steel industry. Said H.B. 808 includes:

I. IMPORT RELIEF:

In response we propose a 5-year import quota program. We would set import levels at the average level of penetration that occurred during the three years prior to the onset of the steel import crisis in 1998.

II INDUSTRY-WIDE LEGACY COST SHARING:

In order to address this overwhelming cost, we will establish a 2% surcharge on the sale of all steel products in the U.S., both imported and domestic. The revenues will be placed in a Steelworker Retiree Health Care Fund, administered by a Steelworkers Retiree Health Care Board at the Department of Labor. The fund will be accessible by all steel companies that provide health insurance to retirees at the time of enactment.

III STEEL LOAN GUARANTEE ADJUSTMENTS:

To resolve these issues, the Steel Revitalization Act would increase the current authorization for the loan program from \$1 billion to \$10 billion. Furthermore, the government guarantee will cover 95% of the loan, up from 65% under the current program. The duration of financing available will be extended from 5 to 15 years, a reasonable duration when dealing with major cash infusions. This funding will not be available to service existing debt.

IV INCENTIVES FOR CONSOLIDATION:

Title IV will promote consolidation while encouraging the retention of workers and domestic steel production capacity. A \$500 million grant program will be established at the Department of Commerce. After the company submits its merger proposal to the Department of Justice, and up to one year after the merger is completed, they will be eligible to apply for grants of up to \$150 million to help defray the cost of environmental mitigation and restructuring. They will receive awards if their application outlines a merger that will retain 80 percent of the domestic blue-collar workforce and production capacity for 10 years after the merger.

Section 2:

It is found and determined that all formal actions of this Council concerning H.B. 808 and relating to the adoption of this Bill were conducted in open meetings of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance of all legal requirements.

Section 3:

This Resolution is hereby declared to be an emergency measure, the emergency being saving American jobs and improving the economy, necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the United States. This Resolution shall take effect and in be full force and effect immediately upon its passage and approval by this Council.

PASSED IN COUNCIL _____ DAY OF _____, 2001

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR