

AGENDA

DATE: AUGUST 6, 2001
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING THIS EVENING
ORDINANCE NO. 149 - 2001 7:15 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN JIM FILHOUR (OR GUEST)
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 170 - 2001 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

*Topic
9-0*
AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by repealing existing Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" and enacting a new Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", and declaring an emergency.

ORDINANCE NO. 171 - 2001 BY: PARKS AND RECREATION COMMITTEE

*505.10
P-10
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an Agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing, and declaring an emergency. *BOC*

ORDINANCE NO. 172 - 2001 BY: SEWER AND WASTE COMMITTEE

*1-1
R-10
R-10*
Revised City - emailed Ron about Muddy River. (Make Info on map)
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into WRRSP Agreements with various entities to amend our loan application for the 2001 Wastewater Treatment Plant Expansion and Upgrade Project, and declaring an emergency.

ORDINANCE NO. 173 - 2001 BY: SEWER AND WASTE COMMITTEE

*505.10
H-10
3-1
P-10
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with McCoy & Associates to design the Wetmore Sanitary Sewer Extension, and declaring an emergency. *505.10*

ORDINANCE NO. 174 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*505.10
H-10
3-1
P-10
9-0*
AN ORDINANCE accepting an application for annexation for territory to the City of Massillon, Ohio, and declaring an emergency

AUGUST 6, 2001

ORDINANCE NO. 175 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*500P
9-0
P.D.
9-0* *Boz*
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of Part of Out Lot No. 4, which is currently owned by Joan I. and Robert D. Hill, and declaring an emergency.

ORDINANCE NO. 176 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*500P
9-0
P.D.
9-0*
AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with International Enterprises, Inc., providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 177 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*500P
9-0
P.D.
9-0*
AN ORDINANCE authorizing the Mayor to enter into an agreement with the Perry School District Board of Education and, International Enterprises, Inc., whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the International Enterprises, Inc., Project, and declaring an emergency.

ORDINANCE NO. 178 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*500P
9-0
P.D.
9-0* *Boz*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 7, in the contract with Beaver Construction for the 9-hole expansion project to The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 179 - 2001 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

*500P
9-0
P.D.
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 1, in the contract with Perrin Asphalt Co., Inc. for the Phase II Cart Path Project at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 180 - 2001 BY: PARKS AND RECREATION COMMITTEE

*500P
9-0
P.D.
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an agreement with van Dijk Pace Westlake Architects for additional architectural services for the addition of a second multi-purpose room at the Recreation Center, and declaring an emergency.

ORDINANCE NO. 181 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*500P
9-0
P.D.
9-0*
AN ORDINANCE repealing Ordinance No. 152 - 2001, and enacting a new ordinance authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Cloverleaf Cold Storage Company and CCS Realty Company for the adoption of a project which will establish a cold storage warehouse facility within the City of Massillon Enterprise Zone, and declaring an emergency.

AUGUST 6, 2001

ORDINANCE NO. 182 - 2001 BY: FINANCE COMMITTEE

*5:00P
9-0
1:00
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and 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 purchase of a one-ton truck with a 10 foot utility chassis for the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 183 - 2001 BY: FINANCE COMMITTEE

*5:00P
9-0
1:00
9-0*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sell various vehicles and equipment by sealed bids, which are no longer needed for any municipal purpose to the highest acceptable bidder, and declaring an emergency.

ORDINANCE NO. 184 - 2001 BY: FINANCE COMMITTEE

*5:00P
9-0
1:00
9-0*
AN ORDINANCE making certain appropriations from the unappropriated balance of the Fire Damage Structure Fund, Wastewater Treatment Plant Fund, Unclaimed Money Fund, Parks and Recreation Fund, Restaurant License Fund, Home Health Fund and the General Fund for the year ending December 31, 2001, and declaring an emergency.

ORDINANCE NO. 185 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

*5:00P
9-0
1:00
9-0*
AN ORDINANCE amending the agreement between the city of Massillon and Heinz Frozen Food Company and VC Freezer Massillon L.L.C., under the Ohio Urban Jobs and Enterprise Zone Program, by approving the assignment and assumption to H. J. Heinz Company L.P. and H.J. Heinz Finance Company the interest, rights and duties of Heinz Frozen Food Company under the original Enterprise Zone Agreement, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TYPE "N" LICENSE TO CANTON PIZZA INC., DBA PIZZA HUT, 2400 LINCOLN WAY E. MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JULY - 2001

B). AUDITOR SUBMITS MONTHLY REPORT FOR JULY - 2001

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

Aug 13 @ 5:00 5:20 - end cancel

AUGUST 4, 2001

13. CALL OF THE CALENDAR

ORDINANCE NO. 111 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Pass 9-0
AN ORDINANCE accepting the Final Plat for Country View Estates No. 5., in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

Bring forward 9-0
ORDINANCE NO. 149 - 2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Pass 9-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from I-1 Light Industrial to O-1 Office, and declaring an emergency.

Pass 9-0
ORDINANCE NO. 154 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE vacating a portion of Legion Place S.E., and declaring an emergency.

Pass 9-0
ORDINANCE NO. 155 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

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

Pass 9-0
ORDINANCE NO. 156 - 2001 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

AN ORDINANCE vacating a portion of Sheffield Avenue N.E., and declaring an emergency.

Pass 9-0
ORDINANCE NO. 160 - 2001 BY: FINANCE COMMITTEE

Articles - PO's & State Bid list
Table to 9:00 9-0
AN ORDINANCE authorizing the Auditor to pay certain bills as a moral obligation to Best Sand Corporation for bunker sand delivered to The Legends of Massillon Golf Course, which was remitted under the State pricing bid list, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

2nd P.H. Tues 9-4 @ 7:00pm
ORDINANCE NO. 165-2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 111.02 of the Massillon Code rezoning a certain tract of land from Perry Township to Massillon Zoning, and declaring an emergency.

P.H. Tues 9-4 @ 7:15pm
ORDINANCE NO. 166-2001 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

AN ORDINANCE amending Section 111.02 of the Massillon Code rezoning a certain tract of land from R-1 Single Family Residential to B-1 Local Business, and declaring an emergency.

August 6, 2001

ORDINANCE NO. 169 - 2001 BY: HEALTH, WELFARE & BUILDING REG. COMM

*5000
9-0
1000
9-0*
AN ORDINANCE amending CHAPTER 1301 "OHIO BASIC BUILDING CODES" of the "Codified Ordinances of the City of Massillon, by enacting a new Section 1301.11 "Plan Examination Fees" of CHAPTER 1301 "OHIO BASIC BUILDING CODES", 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
CLERK OF COUNCIL**

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Filed Independently
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 2001

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinance of the City of Massillon, by repealing existing Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" and enacting a new Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL", and declaring an emergency.

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

Section 1:

Existing Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there is hereby enacted a new Section 505.11 "Hunting Prohibited" of CHAPTER 505 "ANIMALS AND FOWL" of the Codified Ordinances of the City of Massillon and which shall read as follows:

505.11 HUNTING PROHIBITED

- (a) No person shall hunt or pursue game within the corporate limits, except on premises zoned A-2 General Agricultural.
- (b) No person shall hunt or pursue game on premises zoned A-2 General Agricultural in a manner that is unsafe or without due regard for the safety of persons or property.
- (c) No person shall hunt or pursue game on premises zoned A-2 General Agricultural who is not an owner or resident of the premise.
- (d) No person shall hunt or pursue game on premises zoned A-2 General Agricultural except for domestic consumption or pest or vermin control.
- (e) It shall be prima-facie evidence of hunting if a person is found within the corporate limits with any firearm, bow and arrow or other similar weapon, if such weapon is loaded or with the firing mechanism in a closed position so that the weapon could be fired if loaded.

- (f) It shall be unlawful for any person to use a trap, for the purpose of capturing wild birds or wild quadrupeds, that may cause death or injury to persons or domestic or wild animals.
- (g) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning the prohibition of hunting in certain areas within the City and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 171 - 2001

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an Agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an Agreement with the Ohio Department of Natural Resources to stock the Reservoir with free stock for public fishing.

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 execute the agreement so as to provide the citizens of the City of Massillon with a form of recreation that will be offered through the Parks and Recreation Department. 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: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
passed 8/20/01
LEGISLATIVE DEPARTMENT

***AMENDED**
ORDINANCE NO. 172 - 2001

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into WRRSP Agreements with various entities to amend our loan application for the 2000 Wastewater Treatment Plant Expansion and Upgrade Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into WRRSP Agreements with various entities to amend our loan application for the 2000 Wastewater Treatment Plant Expansion and Upgrade Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into WRRSP Agreements with various entities to amend our loan application for the 2000 Wastewater Treatment Plant Expansion and Upgrade Project. The cost of said amendment shall not exceed * Thirty-Nine Million Dollars (\$39,000,000.00)

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 amend our Loan Agreements with the WRRSP for the 2000 upgrade for the Wastewater Treatment Plant that will provide the City of Massillon with a lower interest rate on the loan for the project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 2001

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with McCoy & Associates to design the Wetmore Sanitary Sewer Extension, 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, without competitive bidding, with McCoy & Associates to design the Wetmore Sanitary Sewer Extension.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract, without competitive bidding, with McCoy & Associates to design the Wetmore Sanitary Sewer Extension.

Section 3:

That the amount of the contract with McCoy & Associates to design the Wetmore Sanitary Sewer Extension shall not exceed the amount of Forty-Six Thousand Dollars (\$46,000.00).

Section 4:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to enter into a contract with McCoy & Associates to design of the Wetmore Sanitary Sewer Extension, that is needed for future development within that area. 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: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 174 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

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

WHEREAS, a petition for the annexation for certain territory in Tuscarawas Township, was duly filed by Robert Sanderson, Agent for the petitioners, and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Stark County on March 21, 2001

WHEREAS, the Board of County Commissioners on May 22, 2001, approved the annexation of said territory to the City of Massillon as hereinafter described, and

WHEREAS, the Board of County Commissioners certified the transcript and pertinent documents of proceedings in connection with said annexation with the map and petition required in connection therewith, to the Auditor of the City of Massillon, who received same on June 1, 2001, and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon, Ohio, have found, considered and determined that in order to annex said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section I:

The application of Robert Sanderson for the petitioners is hereby accepted for the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit:

Situated in the township of Tuscarawas, County of Stark, and State of Ohio, and known as and being part of the Southeast Quarter of Section 10, Township 12, (Tuscarawas), Range 10, and more fully bounded and described as follows:

Beginning at the Southwest corner of said Southeast quarter section and being the true place of beginning;

Thence N 02°30'00" E, following the West line of said Southeast quarter section, a distance of 908.83 feet to a point;

Thence along the south line of a tract of land currently or formerly owned by Jack & Cynthia Gardner, on a bearing of S 87°30'00" E a distance of 217.50 feet to a point;

Thence along the east line of said Gardner tract, said east line also being the west line of an unnamed 50 foot wide township road, on a bearing of N 02°30'00" E a distance of 466.27 feet to a point; said point lying on the centerline of Lincoln Way West;

Thence along said centerline, on a bearing of S 84°00'00" E a distance of 535.99 feet to a point; said point being on the easterly line of an unnamed 50 foot wide township road;

Thence along said right-of-way line, said line also being the west line of a tract of land currently or formerly owned by G. & R. Long, on a bearing of S 02°30'00" W a distance of 261.70 feet to a point;

Thence on a bearing of S 87°29'48" E a distance of 434.99 feet to a point, said point being on the southeast corner of a tract of land now or formerly owned by Gary Dietz, and the west line of an unnamed 50 foot wide township road;

Thence following said west right-of-way line, on a bearing of S 02°30'00" W a distance of 29.66 feet to a point, said point marking the end of said 50 foot township road;

Thence on a bearing of S 87°30'00" E a distance of 508.81 feet to a point, said point being on the centerline of Willowdale Ave. NW;

Thence along said centerline, on a bearing of S 02°56'00" W a distance of 1056.43 feet to a point; said point being on the South line of the Southeast Quarter of Section 10, Tuscarawas Township;

Thence along said quarter section line, on a bearing of N 87°18'59" W a distance of 1688.31 feet to a point, said point being the Southwest corner of the Southeast Quarter of Section 10, and being the true place of beginning.

The parcel herein described contains 44.303 acres, more or less, of which all 44.303 acres lies in the Southeast Quarter of Section 10; Tuscarawas Township, Stark County, Ohio.

Section 2:

The City Council Clerk be and is hereby directed to file certified copies of said annexation containing the petition, map accompanying the petition, a transcript of the proceedings of the County Commissioners, and this Ordinance, with the Stark County Recorder and the Secretary of State.

Section 3:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 4:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the more efficient operation of the City of Massillon, Ohio, and for the additional reason that it is in the best interest of the property owners in the annexed area that their property become a part of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of Part of Out Lot No. 4, which is currently owned by Joan I. and Robert D. Hill, and declaring an emergency.

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

Section 1:

The real property owned by Joan I. & Robert D. Hill, and known as Part of Out Lot No. 4, in the City of Massillon is needed for the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Eighty Thousand Dollars (\$ 80,000.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Eighty Thousand Dollars (\$80,000.00).

Section 4:

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5:

This Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for further development within the downtown area of the City of Massillon for the completion of the Lincoln Centre Phase III . 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: AUGUST 6, 2001

CLERK: SHARON HOWELL

passed

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 176 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with International Enterprises, Inc., providing for the adoption of a project which will establish a new facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, International Enterprises, Inc., is proposing to construct a new 50,000 square foot warehouse facility for their wholesale business on Sterilite Drive S.E. in Neocom II Industrial Park, and International Enterprises, Inc., at a total combined investment of One Million Seven Hundred Seventy Thousand Dollars (\$1,770,000.00), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted March 2, 1998 and as amended by Ordinance No. 43 - 1999, adopted March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing International Enterprises, Inc., with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, International Enterprises, Inc., has submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by the International Enterprises, Inc., and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry Local School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and have been given a copy of the application.

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 does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with International Enterprises, Inc. providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 2:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by the International Enterprises, Inc., within 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, PRESIDENT

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO.177 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an agreement with the Perry School District Board of Education and, International Enterprises, Inc., whereby authorizing general compensation to the School District resulting from the Enterprise Zone Agreement for the International Enterprises, Inc. Project, and declaring an emergency.

WHEREAS, International Enterprises, Inc. has requested a tax abatement on real and personal property from the City of Massillon (hereinafter the "City"); and

WHEREAS, the Ohio Enterprise Zone Program, pursuant to ORC Sections 5709.61 through 5709.60 authorizes municipalities to grant real and/or personal property tax exemptions on eligible new investments; and

WHEREAS, the City provided the School Board with notice of its intent to grant an enterprise zone tax abatement in the amount of 75% for ten years; and

WHEREAS, representatives of International Enterprises, Inc., met with the Superintendent and/or his designees to discuss the impact of the project, requested further tax incentives from the Perry School District (hereinafter "District") and agreed to make certain annual payments to compensate the District for tax revenues foregone as a result of the abatement and in consideration of the District agreeing to a 100% abatement; and

WHEREAS, the proposed payments from International Enterprises, Inc., will compensate the District in an amount estimated and agreed upon by the parties as a result of the abatement.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with the Perry School District Board of Education, and International Enterprises, Inc., whereby authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the International Enterprises, Inc., Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Perry School District Board of Education and International Enterprises, Inc., whereby authorizing general compensation to the school district resulting from the Enterprise Zone Agreement for the International Enterprises, Inc. Project.

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 an agreement between the above named parties must be in place prior to the effective date of the tax abatement. 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: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 178 - 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 approve Change Order No. 7, in the contract with Beaver Construction for the 9-hole expansion project to The Legends of Massillon Golf Course, 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 for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 7, in the contract with Beaver Construction for the 9-hole expansion project to The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve Change Order No. 7, in the contract with Beaver Construction for the 9-hole expansion project to The Legends of Massillon Golf Course. The cost of said Change Order No. 7 shall not exceed Fifteen Thousand Two Hundred Forty-Two Dollars and Fifty-Seven Cents, (\$15,242.57)

Section 3:

That upon the completion of said services the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for such services and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

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 further reason that said services are necessary for the completion of the construction of the 9-hole expansion project of the Legends of Massillon Golf Course that is currently under way and the funds are available in account. 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: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 179 - 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 approve Change Order No. 1, in the contract with Perrin Asphalt Co., Inc. for the Phase II Cart Path Project at The Legends of Massillon Golf Course, 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 for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve Change Order No. 1, in the contract with Perrin Asphalt Co., Inc. for the Phase II Cart Path Project at The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve Change Order No. 1, in the contract with Perrin Asphalt Co., Inc. for the Phase II Cart Path Project at The Legends of Massillon Golf Course. The cost of said Change Order No. 1 shall not exceed Twenty Five Thousand One Hundred Eighty-Seven Dollars and Sixty-Six Cents, (\$25,187.66)

Section 3:

That upon the completion of said services the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for such services and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

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 further reason that said services are necessary for Phase II Cart Path Project at the Legends of Massillon Golf Course that is currently under way and the funds are available in account. 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: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

Passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 180 - 2001

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an agreement with van Dijk Pace Westlake Architects for additional architectural services for the addition of a second multi-purpose room at the Recreation Center, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into an agreement with van Dijk Pace Westlake Architects for additional architectural services for the addition of a second multi-purpose room at the Recreation Center.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with van Dijk Pace Westlake Architects for additional architectural services for the addition of a second multi-purpose room at the Recreation Center. The cost of said contract shall not exceed Forty-Nine Thousand Nine Hundred Eight Dollars (\$49,908.00).

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 execute the contract so that the construction of an additional multi-purpose room can be built at the Recreation Center may be commenced. 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: August 6, 2001

CLERK: SHARON HOWELL

Sharon Howell

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 181 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 152 - 2001, and enacting a new ordinance authorizing and directing the Mayor of the City of Massillon to enter into an agreement with Cloverleaf Cold Storage Company and CCS Realty Company for the adoption of a project which will establish a cold storage warehouse facility within the City of Massillon Enterprise Zone, and declaring an emergency.

WHEREAS, the City of Massillon has encouraged the development of real property and the acquisition of personal property located in the area designated as an Enterprise Zone; and

WHEREAS, Cloverleaf Cold Storage Company and CCS Realty Company are hereby proposing to build a new facility on a 22 acre parcel on Southway Avenue, and construct a new 140,000. square foot cold storage warehouse facility, within the Massillon Enterprise Zone, and is proposing to establish a facility to relocate its manufacturing operations, at a total combined investment of Ten Million One Hundred Thousand Dollars (\$10,100,000.00), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

WHEREAS, the Council of the City of Massillon, Ohio, (hereinafter "Council") by Ordinance No. 163-1994, adopted on July 18, 1994, and as amended by Ordinance No. 57-1998, adopted March 2, 1998 and as amended by Ordinance No. 43 - 1999, adopted March 1, 1999, has designated an area of the City as an "Enterprise Zone" pursuant to Chapter 5709 of the Ohio Revised Code; and

WHEREAS, effective September 12, 1994, and as amended on March 13, 1998, and as amended on March 9, 1999, the Director of Development of the State of Ohio has determined that the aforementioned area designated in said Ordinance No. 163 - 1994 contains the characteristics set forth in 5709.61(A) of the Ohio Revised Code, and has certified said area as an Enterprise Zone under Chapter 5709; and

WHEREAS, the City of Massillon, having the appropriate authority for the stated type of project is desirous of providing Cloverleaf Cold Storage Company. with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Cloverleaf Cold Storage Company and CCS Realty Company have submitted a proposed agreement application, herein attached as Exhibit "A", to the City of Massillon, Ohio, requesting that the incentives available for development within the Enterprise Zone be approved for the Project; and

WHEREAS, the Mayor of the City of Massillon, Ohio, has investigated the application submitted by the Cloverleaf Cold Storage Company and CCS Realty Company and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

WHEREAS, the project site is located in the Perry School District and the Perry Board of Education has been notified in accordance with Section 5709.83 and has been given a copy of the application.

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

Section 1:

That Ordinance No. 152 - 2001 be and is hereby repealed.

Section 2:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Cloverleaf Cold Storage Company and CCS Realty Company providing for the adoption of a project which will establish a facility and preserve employment opportunities within the City of Massillon Enterprise Zone.

Section 3:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the City of Massillon, Ohio and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by the Cloverleaf Cold Storage Company and CCS Realty Company, within 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, PRESIDENT

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

passed

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 182 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and 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 according to law, for the purchase of a one-ton truck with a 10 foot utility chassis for the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare 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 as required by law, for the purchase of a one-ton truck with a 10 foot utility chassis for the Wastewater Treatment Plant 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 and to enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder according to law, for the purchase of a one-ton truck with a 10 foot utility chassis for the Wastewater Treatment Plant 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 to advertise for bids and enter into contract for the purchase of a one-ton truck with a 10 foot utility chassis for the Wastewater Treatment Plant in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

passed

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 183 - 2001

BY: FINANCE COMMITTEE

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

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to sell various vehicles and equipment, which are no longer needed for any municipal purpose to the highest acceptable bidder.

Section 2:

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

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that the City obtain the highest price it can sell for various vehicles and equipment which are no longer needed by the City. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

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

DATE: August 6, 2001

CLERK: SHARON HOWELL

passed

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 184 - 2001

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Fire Damage Structure Fund, Wastewater Treatment Plant Fund, Unclaimed Money Fund, Parks and Recreation Fund, Restaurant License Fund, Home Health Fund, and the General 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 Fire Damage Structure Fund for the year ending December 31, 2001, the following:

\$ 50,000.00 to an account entitled "Fire Damage Structure" 3107.905.2390

Section 2:

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

\$ 46,000.00 to an account entitled "Wetmore Sanitary Sewer Extension" 2101.610.2510

\$ 28,000.00 to an account entitled "New Equipment" 2101.610.2530

Section 3:

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

\$ 20,000.00 to an account entitled "Unclaimed Money" 3108.905.2390

\$ 4,782.31 to an account entitled "Transfer to General" 3108.905.2710

Section 4:

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

\$ 20,000.00 to an account entitled "Services/Contracts" 1234.505.2392

Section 5:

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

\$ 2,250.00 to an account entitled "Services/Contracts" 1211.720.2392

Section 6:

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

\$ 2,250.00 to an account entitled "Services/Contracts" 1235.705.2392

Section 7:

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

\$ 301.00 to an account entitled "Refunds" 1100.905.2720

Section 8:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2001

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE August 6, 2001

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

Sharon Howell

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 185 - 2001

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and Heinz Frozen Food Company and VC Freezer Massillon L.L.C., under the Ohio Urban Jobs and Enterprise Zone Program, by approving the assignment and assumption to H.J. Heinz Company L.P. and H.J. Heinz Finance Company the interest, rights and duties of Heinz Frozen Food Company under the original Enterprise Zone Agreement, and declaring an emergency.

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

Section 1:

The agreement between the City of Massillon and Heinz Frozen Food Company and VC freezer Massillon L.L.C., under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by the assignment and assumption to H.J. Heinz Company L.P. and H.J. Heinz Finance Company the interest, rights and duties of Heinz Frozen Food Company under the original Enterprise Zone Agreement.

Section 2:

A copy of said amendment is attached hereto and made part of this Ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone agreement to reflect the assignment of Heinz Frozen Food Company, to H.J. Heinz Company L.P. and H.J. Heinz Finance Company of all the interests, rights and duties under said agreement. 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

ATTEST: _____
FRANCIS H. CICCHINELLI, JR. MAYOR