

AGENDA

DATE: September 16, 2002
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN RON MANG
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

Filthorn Amend Upgrade To 400 old 177-2002 9-0 I think 2nd

ORDINANCE NO. 167 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

BOL 2

Amend- 9-0
503P 9-0
P.O. 9-0
release
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a settlement agreement and mutual lease agreement with Lorena Denham-Whaley, for her leasehold interest located at 227 Third Street N.W., Massillon, Ohio, and formerly known as Armando's Pizza, and declaring an emergency.

ORDINANCE NO. 168 - 2002 BY: ENVIRONMENTAL COMMITTEE

BOL

503P 9-0
P.O. 9-0
AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into an agreement with the Department of the Army to place a chain link fence on Government property at the Massillon Local Protection Levee, and declaring an emergency.

ORDINANCE NO. 169 - 2002 BY: ENVIRONMENTAL COMMITTEE

BOL

503P 9-0
P.O. 9-0
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 upgrading of the City's existing Global Positioning System (GPS), and declaring an emergency.

ORDINANCE NO. 170 - 2002 BY: ENVIRONMENTAL COMMITTEE

BOL

503P 9-0
P.O. 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with Great Lakes Energy for the lowering of the existing gas well at the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 171 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

503P 9-0
P.O. 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to offer a variety of membership plans for The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 172 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE *BOC*

5 4-0
POD 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with John Deere for the lease/purchase of a Core Harvester, without competitive bidding, and approved by the Board of Control, and declaring an emergency.

ORDINANCE NO. 173 - 2002 BY: FINANCE COMMITTEE *- BOC*

SUSP 9-0
POD 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract with Love Insurance Partners for boiler and machinery insurance, and declaring an emergency.

ORDINANCE NO. 174 - 2002 BY: FINANCE COMMITTEE *BOC*

SUSP 9-0
POD 9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for automobile, property, municipal general liability, public official, and law enforcement liability insurance for the City of Massillon and the Massillon City Health Department, and declaring an emergency.

ORDINANCE NO. 175 - 2002 BY: FINANCE COMMITTEE

SUSP 9-0
P. 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, 16th Street Project Fund, Special Assessment BR Fund, Wastewater Treatment Fund, Summer Concert Series Fund and the Shaw/Castle West Fund, and declaring an emergency.

ORDINANCE NO. 176- 2002 BY: FINANCE COMMITTEE

SUSP 9-0
POD 9-0
AN ORDINANCE reducing the appropriation in The Legends Golf Fund of the City of Massillon, for the year ending December 31, 2002, and declaring an emergency.

1st ORD No. 177-2002

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM 155 LTD, DBA ROCKNES, 155 LINCOLN WAY WEST, MASSILLON, OHIO, 44647 TO FRANCOS RESTAURANT LTD CO. LLC, DBA FRANCOS RESTAURANT, 2428 LINCOLN WAY EAST, MASSILLON, OHIO 44646

B). LETTER FROM OHIO DIVISON OF LIQUOR CONTROL REGARDING A A NEW LIQUOR LICENSE FOR SUSAN L. STREET LTD. DBA ROSEMARYS FLORIST, 274 FEDERAL AVENUE N.W., MASSILLON, OHIO, 44647.

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

- A). ~~MAYOR SUBMITS MONTHLY REPORT FOR AUGUST 2002~~**
B). ~~AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST 2002~~
C). ~~FIRE CHIEF SUBMIT MONTHLY REPORT FOR AUGUST 2002~~
D). ~~POLICE CHIEF SUBMITS MONTHLY REPORT FOR AUGUST 2002~~
E). ~~TREASURER SUBMITS MONTHLY REPORT FOR AUGUST 2002~~
F). ~~INCOME TAX ADMINISTRATOR SUBMIT MONTHLY REPORT FOR AUGUST 2002~~

11. ~~REPORTS OF COMMITTEES~~
12. ~~RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS~~
13. ~~CALL OF THE CALENDAR~~
14. ~~THIRD READING ORDINANCES AND RESOLUTIONS~~
15. ~~SECOND READING ORDINANCES AND RESOLUTIONS~~

ORDINANCE NO. 155 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND
Ready
AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from ~~R-1~~ Single Family Residential and B-3 General Business to I-1 Light Industrial and declaring an emergency.

ORDINANCE NO. 156 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND
Ready
AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from Tuscarawas Township to RM-1 Multiple Family Residential, and declaring an emergency.

ORDINANCE NO. 157 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND
Ready
AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from I-1 Light Industrial to R-3 One Family Residential, and declaring an emergency.

ORDINANCE NO. 163 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

503P
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9-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a no-drill lease agreement on various parcels of land owned by the city with Great Lakes Energy Partners, L.L.C., and declaring an emergency.

ORDINANCE NO. 164 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

503P
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9-0
AN ORDINANCE authorizing the Mayor and the Director of Service and Safety of the City of Massillon to enter into the joint Participation Agreement with Perry Township to apply for funding from the Ohio Public Works Commission for the 27th Street N.E./Jackson Avenue Project, and declaring an emergency.

ORDINANCE NO. 165 - 2002 BY: FINANCE COMMITTEE

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9-0
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2003, 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: September 16, 2002

CLERK: SHARON HOWELL

*Buy out lease
Typo - Release not lease set 2 2 type
Approved - 9-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

30 Sep 9-0

ORDINANCE NO. 167 - 2002

Poso 9-0

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a settlement agreement and mutual lease with Lorena Denham-Whaley, for her leasehold interest located at 227 Third Street N.W., Massillon, Ohio, and formerly known as Armando's Pizza, and declaring an emergency.

WHEREAS, Lorena Denham-Whaley has a lease agreement for the property located at 227 Third Street N.W., Massillon, Ohio;

WHEREAS, on April 2, 2002, the City of Massillon, purchased the property that was included in the Lincoln Centre Phase III Project;

WHEREAS, The City of Massillon desires to purchase the leasehold interest of Lorena Denham-Whaley

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 hereby determines that it is necessary to purchase the leasehold interest of Lorena Denham-Whaley for the property located at 227 Third Street N.W., Massillon, Ohio.

Section 2:

The Council of the City Massillon hereby authorizes and directs the Director of Public Service and Safety to enter into a settlement agreement and mutual lease with Lorena Denham-Whaley, for her leasehold interest located at 227 Third Street N.W., Massillon, Ohio, and formerly known as Armando's Pizza. *release*
The settlement agreement and mutual Release as ATTACHED A-

Section 3:

The purchase price of said leasehold interest shall not exceed Twenty Thousand Dollars (\$20,000.00)

Section 4:

That the City Auditor is hereby authorized to pay the purchase price of Twenty Thousand Dollars (\$ 20,000.00).

Section 5:

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 6:

That 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. 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 _____ 2002

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

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

" A "

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

This SETTLEMENT AGREEMENT AND MUTUAL RELEASE is hereby entered into by and between THE CITY OF MASSILLON, OHIO (hereinafter "THE CITY") and LORENA T. DENHAM-WHALEY (hereinafter "WHALEY").

WITNESSETH THAT:

WHEREAS, WHALEY purchased the business known as Armando's Pizza on October 22, 1998. On November 19, 1998, WHALEY entered into a Lease Agreement with Armando and Barbara Consolidani, whereby WHALEY agreed to lease the premises at 227 Third Street, N.W., Massillon, Ohio, for a term of five (5) years with a five (5) year option.

On April 1, 2002, the CITY OF MASSILLON entered into a Purchase Agreement with Armando and Barbara Consolidani, whereby the CITY acquired the real estate located at 227 Third Street, N.W., Massillon, Ohio.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the CITY and WHALEY do for themselves, their heirs, employees, officers, executors, administrators, successors and assigns, bind themselves and agree as follows:

1. The CITY OF MASSILLON agrees to pay WHALEY the sum of Twenty Thousand Dollars (\$20,000) for her leasehold interest in the real estate located at 227 Third Street, N.W., Massillon, Ohio. Payment shall be made within fifteen (15) days from the signing of this Agreement.

2. WHALEY and also the previous owners of Armando's Pizza, to-wit: LAURA POPOVICH and LISA A. CONSOLIDANI, shall be given thirty (30) days from the signing of this Agreement to remove all personalty, structures, equipment and fixtures from the premises located at 227 Third Street, N.W., in accordance with their respective rights of ownership. Zach Holman shall also have a period of thirty (30) days to remove any and all personalty owned by him from the premises at 227 Third Street, N.W., Massillon, Ohio 44646.
3. WHALEY hereby releases and forever discharges the CITY OF MASSILLON, its successors, heirs, legal representatives, assigns, agents, employees and officers from any and all claims, demands, rights of action, causes of action or any claims of any kind which she has or may have against The City.
4. The CITY hereby releases and forever discharges WHALEY, her successors, heirs, legal representatives, assigns and agents from any and all claims, demands, rights of action, causes of action, or any claims of any kind which it may have or hereinafter acquire against WHALEY, including, but not limited to, any and all claims for rent of the premises located at 227 Third Street, N.W., Massillon, Ohio.
5. This Agreement shall be governed by the laws of the State of Ohio and is not assignable without the consent of all parties hereto.

IN WITNESS WHEREOF, the parties herein have executed this Agreement as
of the day and year first above written.

Signed in the presence of:

CITY OF MASSILLON, OHIO, a
Municipal Corporation

By: _____

LORENA T. DENHAM-WHALEY

DATE: September 16, 2002

CLERK: SHARON HOWELL

SUSP 9-0

POSD 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon to enter into an agreement with the Department of the Army to place a chain link fence on Government property at the Massillon Local Protection Levee, 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 authorize the Mayor of the City of Massillon to enter into an agreement with the Department of the Army to place a chain link fence on Government property at the Massillon Local Protection Levee.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with the Department of the Army to place a chain link fence on Government property at the Massillon Local Protection Levee.

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 the agreement will help with the erosion and vegetation concerns along the river. 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 _____ 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

503P 9-0

PASS 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 169 - 2002

BY: ENVIRONMENTAL 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 upgrading of the City's existing Global Positioning System (GPS), 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 for and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the upgrading of the City's existing Global Positioning System (GPS).

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the upgrading of the City's existing Global Positioning System (GPS).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the more efficient operation of the Engineering Department in the City of Massillon to aid in mapping features. 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 _____, 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

5000 9-0

5000 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 170 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to enter into an agreement with Great Lakes Energy for the lowering of the existing gas well at the Wastewater Treatment Plant, 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 authorize the Director of Service and Safety of the City of Massillon to enter into an agreement with Great Lakes Energy for the lowering of the existing gas well at the Wastewater Treatment Plant.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into an agreement with Great Lakes Energy for the lowering of the existing gas well at the Wastewater Treatment Plant.

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 the wells need to be lowered to assist in the renovation of the Wastewater Treatment Plant. 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 _____ 2002

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

500P 9-0

P200 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 171 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to offer a variety of membership plans for 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 determines it to be necessary in the public health, safety and welfare to authorize the Director of Service and Safety of the City of Massillon to offer a variety of membership plans for The Legends of Massillon Golf Course

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to offer a variety of membership plans for The Legends of Massillon Golf Course.

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 the membership plans need to be implemented so that The Legends Golf Course may begin the preparation of the applications for next 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 _____ 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16 2002

CLERK: SHARON HOWELL

5030 9-0

pass 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 172 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into a contract with John Deere for the lease/purchase of a Core Harvester, without competitive bidding, and approved by the Board of Control, 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 John Deere for the lease/purchase of a Core Harvester, without competitive bidding, and approved by the Board of Control.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into a contract with John Deere for the lease/purchase of a Core Harvester, without competitive bidding, and approved by the Board of Control.

Section 3:

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

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason the City of Massillon enter into a contract with John Deere for the lease/purchase of a Core Harvester, to be used at The Legends of Massillon Golf Course. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

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

DATE: September 16, 2002

CLERK: SHARON HOWELL

SUSP 9-0

PASS 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 173 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Love Insurance Partners for boiler and machinery insurance, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to enter into contract with Love Insurance Partners for boiler & machinery insurance.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Love Insurance Partners for boiler & machinery insurance.

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 contract with Love Insurance Partners as the previous policies are 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.

DATE: September 16, 2002

CLERK: SHARON HOWELL

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888 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 174 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract with Public Entities Pool of Ohio (PEP) for automobile, property, municipal general liability, public official, and law enforcement liability insurance for the City of Massillon and the Massillon City Health Department, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to enter into contract with Public Entities Pool of Ohio (PEP) for automobile, property, municipal general liability, public official, and law enforcement liability insurance for the City of Massillon and the Massillon City Health Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon is hereby authorized to enter into contract with Public Entities Pool of Ohio (PEP) for automobile, property, municipal general liability, public official, and law enforcement liability insurance for the City of Massillon and the Massillon City Health Department.

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 contract with Public Entities Pool of Ohio (PEP) as the previous policies are 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 _____ 2002

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

SUSP 9-0

POSS 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 175 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, 16th Street Project Fund, Special Assessment BR Fund, Wastewater Treatment Fund, Summer Concert Series Fund and the Shaw/Castle West Fund, 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 Capital Improvement Fund for the year ending December 31, 2002, the following:

\$190,000.00 to an account entitled "Parking Deck Sublease Agreement" 1401.410.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the 16th Street Project Fund for the year ending December 31, 2002, the following:

\$ 22,382.00 to an account entitled "16th Street Project" 1410.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Special Assessment BR Fund for the year ending December 31, 2002, the following:

\$ 2,900.00 to an account entitled "County Collection Fees" 1350.935.2382

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund for the year ending December 31, 2002, the following:

\$ 1,030.00 to an account entitled "County Collection Fees" 2101.610.2382

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Summer Concert Series Fund for the year ending December 31, 2002, the following:

\$ 1,000.00 to an account entitled "Services/Contracts" 1212.505.2392

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Shaw/Castle West Fund for the year ending December 31, 2002, the following:

\$ 8.00 to an account entitled "County Collection Fees" 1351.935.2382

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 _____ 2002

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 176 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in The Legends Golf Fund of the City of Massillon, for the year ending December 31, 2002, 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 a reduced appropriation in The Legends Golf Fund for the year ending December 31, 2002, the following:

\$ 39,000.00 from an account entitled "Supplies/Materials" 2104.920.2410
\$ 7,000.00 from an account entitled "Sales Tax" 2104.920.2390
\$ 6,000.00 from an account entitled "Hospital/Eye/Dental" 2104.920.2210
\$ 3,400.00 from an account entitled "Capital Equipment" 2104.920.2532
\$ 1,000.00 from an account entitled "Gas/Oil" 2104.920.2430
\$ 176.00 from an account entitled "Workers Comp" 2104.920.2270

56,576.00

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of The Legends of Massillon Golf Course of the City of Massillon and for the preservation of the public health, safety and welfare of the community and for the additional reason that the appropriation needs to be reduced because of an audit finding. 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 _____ 2002

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: September 16, 2002

CLERK: SHARON HOWELL

135 Assigned to Finance Com

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

pt reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 177 - 2002

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 181.03 "IMPOSITION OF TAX", of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, by enacting a new Section 181.03(f) "Credits" to Section 181.03 "IMPOSITION OF TAX", and declaring an emergency.

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

Section 1:

That Section 181.03 "IMPOSITION OF TAX", of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, shall be amended by enacting a new Section 181.03(f) "Credits" to Section 181.03 "IMPOSITION OF TAX". Said new section shall read as follows:

181.03(f) Credits - All persons sixty-five years or older shall receive a tax credit in an amount not to exceed two hundred dollars (\$200.00), or the amount of tax due to the City, whichever is less.

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are needed to aid in helping those citizens over sixty-five years old and working, 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.

I RECEIVED A CALL APPROXIMATELY 2:15 P.M. FROM COUNCILMAN MANG REGARDING THE REQUEST HE HAD SIGNED AS A MEMBER OF THE RULES AND COURTS COMMITTEE FOR A TAX BREAK FOR CITIZENS 65 OR OLDER AND WORKING. AFTER SOME RESEARCH RON DECIDED TO KEEP HIS NAME ON THIS REQUEST AND ALLOW IT TO GO ON THE AGENDA TO BE REFERRED TO FINANCE COMMITTEE.

ATTACHED IS A COPY OF ORDINANCE NO. 177 - 2002 WHICH HAS NOT BEEN PROOF READ YET. A CORRECT COPY WILL BE HANDED OUT MONDAY EVENING.