

## AGENDA

DATE: February 3, 2003  
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

MIRE MOVED DTD 26-2003 TO  
End - 9/0

Wm - Bryn Res 2-2003 Forward - 9/0 BRYAN - Amended Res 2003 Agreed to ADD. 9/0

**ORDINANCE NO. 25 - 2003** **BY: ENVIRONMENTAL COMMITTEE**

Boc

*SUSP 9-0  
PASS 9-0*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, to enter into an agreement with the Stark County Sanitary Sewer District for the Satellite Community Discharge Program, and declaring an emergency.

**ORDINANCE NO. 26 - 2003** **BY: POLICE AND FIRE COMMITTEE**

*FIRE DEPT DID NOT VOTE*

*1st*  
**AN ORDINANCE** authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, to accept the Massillon Professional Firefighters I.S.F.F. Local #251 contract effective November 22, 2002 through November 21, 2005, and declaring an emergency.

**ORDINANCE NO. 27- 2003** **BY: POLICE AND FIRE COMMITTEE**

*At 1st Chief Negoti - ISAFER would like more time to review contract  
#1 - no one asked for additional 1/2 to 5/5 since made*

*SUSP  
ISAFER  
8-1  
PASS  
9-0*  
**AN ORDINANCE** authorizing the Mayor and the Director of Public Service and Safety of the city of Massillon, to accept the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective January 1, 2003 through December 31, 2005, and declaring an emergency

**ORDINANCE NO. 28 - 2003** **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

Boc

*SUSP  
9-0  
PASS  
9-0*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an updated LPA Agreement with the Ohio Department of Transportation for the 16<sup>th</sup> Street Improvements Project, and declaring an emergency.

**ORDINANCE NO. 29 - 2003** **BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

Boc

*SUSP  
9-0*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into a contract with Norfolk Southern Company for the installation of rubber crossing surface at the 16<sup>th</sup> Street S.E. project site, and declaring an emergency.

FEBRUARY 3, 2003

**ORDINANCE NO. 30 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**AN ORDINANCE** authorizing the Auditor to pay various 2002 bills that have been received and that will be received by her office between January 1, 2003 and March 1, 2003, out of the 2003 appropriations within the various departments of the City of Massillon, and declaring an emergency.

**ORDINANCE NO. 31 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
*Shopping List*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the City may require for use in several departments, and declaring an emergency.

**ORDINANCE NO. 32 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**AN ORDINANCE** establishing a fund entitled "Tax Increment Financing Service Payment Fund" and creating line items within said fund, and declaring an emergency.

**ORDINANCE NO. 33 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Tax Increment Debt Fund, Solid Waste Fund and General Fund, for the year ending December 31, 2003, and declaring an emergency.

**ORDINANCE NO. 34 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**AN ORDINANCE** making certain transfers in the 2003 appropriation from within the "Tax Increment Debt Fund" to the "Tax Increment Financing Service Payment Fund", of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 35 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Tax Increment Financing Service Payment Fund of the City of Massillon, for the year ending December 31, 2003, and declaring an emergency

**(Agenda was amended to include Ordinance No. 36 - 37 and 38 - 2003)**

**ORDINANCE NO. 36 - 2003**      **BY: FINANCE COMMITTEE**

*Susp 9-0*  
*Prop 9-0*  
**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, 2003, and declaring an emergency.

**ORDINANCE NO. 37 - 2003      BY: FINANCE COMMITTEE**

*5-0P  
9-0  
PASS  
9-0*  
**AN ORDINANCE** making certain transfers in the 2003 appropriation from within the General Fund to the 16th Street Project Fund, of the City of Massillon, Ohio, for the year ending December 31, 2003, and declaring an emergency.

**ORDINANCE NO. 38 - 2003      BY: FINANCE COMMITTEE**

*5-0P  
9-0  
PASS  
9-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the 16th Street Project Fund of the City of Massillon, Ohio, for the year ending December 31, 2003, and declaring an emergency.

**RESOLUTION NO. 2 - 2003      BY: COMMITTEE OF THE WHOLE**

*5-0P  
9-0  
PASS  
9-0*  
**A RESOLUTION** supporting the efforts of the United Steel Workers Union in their fight to have the pension and shut down benefits entitled to the steelworkers of Republic Technologies International (RTI) and ceased by the Pension Benefits Guaranty Corporation released.

**(Agenda was amended to include Resolution 3, 4, 5, and 6 - 2003)**

**RESOLUTION NO. 3 - 2003      BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

*5-0P  
9-0  
PASS  
9-0*  
**A RESOLUTION** declaring the appropriation of property to be appropriated for the 16th Street S.E. Improvement Project, and declaring an emergency.

**RESOLUTION NO. 4 - 2003      BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

*5-0P  
9-0  
PASS  
9-0*  
**A RESOLUTION** declaring the appropriation of property to be appropriated for the 16th Street S.E. Improvement Project, and declaring an emergency.

**RESOLUTION NO. 5 - 2003      BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

*5-0P  
9-0  
PASS  
9-0*  
**A RESOLUTION** declaring the appropriation of property to be appropriated for the 16th Street S.E. Improvement Project, and declaring an emergency.

**RESOLUTION NO. 6 - 2003      BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM**

*5-0P  
9-0  
PASS  
9-0*  
**A RESOLUTION** declaring the appropriation of property to be appropriated for the 16th Street S.E. Improvement Project, and declaring an emergency.

**7. UNFINISHED BUSINESS**

**3. PETITIONS AND GENERAL COMMUNICATIONS**

**(A)** LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW B LIQUOR LICENSE TO BUCKEYE CLUB INC. DBA BUCKEYE CLUB ANNEX, 932 6<sup>TH</sup> STREET S.W., MASSILLON, OHIO, 44647 (*club style 21C*)

**(B)** LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM CHRISTOPHER ALAN ENTERPRISES, INC., 14 LINCOLN WAY WEST FIRST FLOOR, MASSILLON, OHIO, 44646 TO GRANNY ENTERPRISES, INC. DBA SCORCHERS, 14 LINCOLN WAY WEST FIRST FLOOR, MASSILLON, OHIO, 44646

**9. BILLS, ACCOUNTS AND CLAIMS** *NORTH*

**10. REPORTS FROM CITY OFFICIALS**

**A)** MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JAN. 2003

**B)** AUDITOR SUBMITS MONTHLY REPORT FOR JAN. 2003

*Accept auditor's Report 9-3*

**C)** LAW DIRECTOR SUBMITS YEARLY REPORT FOR 2002

**D)** CANTON-STARK COUNTY CRIME LAB REPORT FOR YEAR 2002

**11. REPORTS OF COMMITTEES** *2/10/03 - con mgt*

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

**13. CALL OF THE CALENDAR**

**14. THIRD READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 1 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*P.H. 2-13 @ 7:00 PM*

*Toske* **AN ORDINANCE** amending CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1187.15 "Bed and Breakfast Regulations", and declaring an emergency.

**ORDINANCE NO. 2 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*P.H. 2-13 @ 7:00 PM*

*Toske* **AN ORDINANCE** amending CHAPTER 1153 "R-1 THROUGH R-4 ONE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1153.03(k) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

**ORDINANCE NO. 3 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*P.H. 2-13 @ 7:00 PM*

*Toske* **AN ORDINANCE** amending CHAPTER 1155 "R-T TWO FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1155.03(c) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

**ORDINANCE NO. 4 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Table*  
*P.H. 2-18 @ 7:00 p.m.*  
**AN ORDINANCE** amending CHAPTER 1157 "RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1157.04(f)&(g) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

**ORDINANCE NO. 5 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Table*  
*P.H. 2-18 @ 7:00 p.m.*  
**AN ORDINANCE** amending CHAPTER 1163 "B-1 LOCAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1163.04(d)&(e) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

**ORDINANCE NO. 6 - 2003 BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Table*  
*P.H. 2-18 @ 7:00 p.m.*  
**AN ORDINANCE** amending CHAPTER 1165 "B-2 CENTRAL BUSINESS DISTRICTS" of the Codified Ordinances of the City of Massillon, by enacting a new Section 1165.04(h)&(i) "Principle Uses Permitted Subject To Special Conditions", and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 12 - 2003 BY: PARKS AND RECREATION COMMITTEE**

*ZNR*  
**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to grant a utility easement along the former Wheeling & Lake Erie Railroad to the Village of Brewster for the placement of and maintenance of an overhead electrical transmission line, and declaring an emergency.

**ORDINANCE NO. 13 - 2003 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.**

*SWP*  
*9-0*  
*PRO*  
*9-0*  
**AN ORDINANCE** accepting the dedication of an extension of Raynell Avenue N.W. from Harmony Street N.W. westerly, a distance of approximately 690 feet on unimproved property and declaring an emergency.

**ORDINANCE NO. 14 - 2003 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.**

*SWP*  
*9-0*  
*PRO*  
*9-0*  
**AN ORDINANCE** accepting the dedication of an extension of Ryder Street Avenue from the current west right-of-way line westerly, a distance of approximately 300 feet of unimproved property, and declaring an emergency.

**16. NEW AND MISCELLANEOUS BUSINESS**

**7. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA**  
**18. ADJOURNMENT**

SHARON HOWELL - CLERK OF COUNCIL

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 2003

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, to enter into an agreement with the Stark County Sanitary Sewer District for the Satellite Community Discharge Program, and declaring an emergency.

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

Section 1:

The 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 Stark County Sanitary Sewer District for the Satellite Community Discharge Program.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Stark County Sanitary Sewer District for the Satellite Community Discharge Program.

Section 3:

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

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the agreement be entered into for the purpose of stating the duties and responsibilities of the City of Massillon and Stark County as it relates to this Sewer Service 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.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 2003

*passed 4/8*

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service & Safety to accept the Massillon Professional Firefighters I.A.F.F. Local #251 contract effective November 22, 2002 through November 21, 2005, 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 accept the Massillon Professional Firefighters I.A.F.F. Local #251 contract effective November 22, 2002 through November 21, 2005.

Section 2:

The Mayor and the Director of Public Service & Safety are hereby authorized to accept the Massillon Professional Firefighters I.A.F.F. Local #251 contract effective November 22, 2002 through November 21, 2005.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason to finalize the contract that the City has with the Massillon Firefighters I.A.F.F. Local #251. 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: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 27 - 2003

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service & Safety to accept the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective January 1, 2003 through December 31, 2005, 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 accept the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective January 1, 2003 through December 31, 2005,

Section 2:

The Mayor and the Director of Public Service & Safety are hereby authorized to accept the Massillon F.O.P. Henderson Lodge #105 Police Officers Association contract effective January 1, 2003 through December 31, 2005,

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason to finalize the contract that the City has with the Massillon F.O.P. Henderson Lodge #105 Police Officers Association. 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: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 28 - 2003

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an updated LPA Agreement with the Ohio Department of Transportation for the 16<sup>th</sup> Street Improvements 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 an updated LPA Agreement with the Ohio Department of Transportation for the 16<sup>th</sup> Street Improvements Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an updated LPA Agreement with the Ohio Department of Transportation for the 16<sup>th</sup> Street Improvements 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 reason that it is necessary to enter into an updated LPA agreement with Ohio Department of Transportation so as to proceed with the 16<sup>th</sup> Street Improvements 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.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 29 - 2003

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a contract with Norfolk Southern Company for the installation of rubber crossing surface at the 16<sup>th</sup> Street S.E. project site, 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 Norfolk Southern Company for the installation of rubber crossing surface at the 16<sup>th</sup> Street S.E. project site.

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 with Norfolk Southern Company for the installation of rubber crossing surface at the 16<sup>th</sup> Street S.E. project site.

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 reason that it is necessary to enter for the improvement to the Norfolk Southern Railway crossing at 16<sup>th</sup> Street S.E. 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: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 30 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay various 2002 bills that have been received and that will be received by her office between January 1, 2003 and March 1, 2003, out of the 2003 appropriations within the various departments of the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds it necessary to authorize the City Auditor to pay various 2002 bills that have been received and that will be received by her office between January 1, 2003 and March 1, 2003, out of the 2003 appropriations within the various departments of the City of Massillon,

Section 2:

The City Auditor is hereby authorized and directed to pay various 2002 bills that have been received and that will be received by her office between January 1, 2003 and March 1, 2003, out of the 2003 appropriations within the various departments of the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay various 2002 bills that will be submitted to the City Auditor's office between January 1, 2003 and March 1, 2003, 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.

DATE: February 3, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 31 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and to enter into contract upon award of the Board of Control, with the lowest and best bidder for various items as the City may require for use in several departments, and declaring an emergency.

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

Section 1:

The Director of Public Safety and Service is hereby authorized and directed to prepare the necessary specifications and to advertise for and receive sealed bids and to enter into contract upon award of the Board of Control, with the lowest bidder for various items as the City may require for use in several departments. The items to be included in the specifications for bid are as follows:

(SEE ATTACHED)

Section 2:

Each bidder may bid for the furnishing of all, or any portion of the items in Section 1. Contracts may be made for each separate item as the same shall be awarded for the furnishing of a portion of the aforesaid materials, subject to the approval of the Board of Control.

Section 3:

Upon acceptance of the aforesaid bids and their approval by the Board of Control and upon the execution of a contract therefore, 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 materials, supplies and equipment as the same shall be furnished in accordance with the requirements of the City of Massillon, Ohio, and the Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the reason being that the materials, supplies and equipment to be purchased are needed for immediate use and for the preservation of the 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 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 \_\_\_\_\_ 2003

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

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

Attachment "A"

City Garage  
401 Walnut Road SW  
Massillon, Ohio 44647  
330-833-5746

**STREET DEPARTMENT**

1. Asphalt of H.P.M. cold mix (loaded on City trucks) \$ \_\_\_\_\_ ton
2. 402, 404 fine top asphalt hot mix under 200 tons daily 402 \$ \_\_\_\_\_ ton  
(loaded on City trucks) 404 \$ \_\_\_\_\_ ton
3. 402, 404 fine top asphalt hot mix over 200 tons daily 402 \$ \_\_\_\_\_ ton  
(loaded on City trucks) 404 \$ \_\_\_\_\_ ton
4. 412 sand and fine top asphalt hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
5. 301 base asphalt hot mix (loaded on City trucks) \$ \_\_\_\_\_ ton
6. 10,000 pounds, more or less, as the City may require of crack sealant for City streets:
  - a) RS-221, sealant meets ODOT 705.04 specifications (a) \$ \_\_\_\_\_ lb.
  - b) RS-201 sealant (b) \$ \_\_\_\_\_ lb.
  - c) Polyfiber sealant (c) \$ \_\_\_\_\_ lb.
7. SS-921 cold mix asphalt (loaded on City trucks) \$ \_\_\_\_\_ ton
8. 702.04 MS-2 (tack coat No. 407) furnished and applied at one tenth (1/10th) gallon per sq. yard \$ \_\_\_\_\_ gal.

**MISCELLANEOUS**

9. 200 tons, more or less, No. 4 gravel and limestone gravel \$ \_\_\_\_\_ ton  
(Loaded on City trucks) limestone \$ \_\_\_\_\_ ton
10. 500 tons, more or less, No. 57 gravel gravel \$ \_\_\_\_\_ ton  
(Loaded on City trucks) 500 tons, more or less, No. 57 limestone limestone \$ \_\_\_\_\_ ton  
(Loaded on City trucks)

11. 2,000 tons, more or less, as the City may require, of Grit (hailed by City trucks) \$ \_\_\_\_\_ ton
12. Bids for the purpose of purchasing fuel at an off-site location for all City owned vehicles. Specifications available at the Safety-Service Director's office.

### WASTEWATER TREATMENT PLANT

13. 36 - 150 pound cylinders, more or less, as the City may require of liquid chlorine gas delivered six (6) at a time.
14. 15,000 gallons, more or less, of sodium bisulfite \$ \_\_\_\_\_ gal.
15. 30,000 gallons, more or less, of sodium hypochlorite \$ \_\_\_\_\_ gal.

### GOLF COURSE and PARKS AND RECREATION DEPARTMENTS

16. Chemicals - specifications available at the Safety-Service Director's office
17. Fertilizers - specifications available at the Safety-Service Director's office
18. Sand - specifications available at the Safety-Service Director's office
19. Mulch - 200 yards, more or less, brown bark mulch - City will pick up \$ \_\_\_\_\_ yd.
20. Play Ground Surface -- 400 yards, more or less, double ground oak, delivered \$ \_\_\_\_\_ yd.

Golf Course items are to be delivered to The Legends Golf Course at 2100 Nave Road SE Massillon, Ohio. Play ground surface is to be delivered to Reservoir Park on Reservoir Drive, Massillon, Ohio.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 32 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Tax Increment Financing Service Payment Fund" and creating line items within said 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 is hereby established within the City of Massillon, Ohio, a fund entitled "Tax Increment Financing Service Payment Fund", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw her warrants and make payments on vouchers duly approved by the proper departmental authority.

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 it is necessary to establish said fund for accounting procedures within the Auditor's 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.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Tax Increment Debt Fund, Solid Waste Fund and General Fund, for the year ending December 31, 2003, 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 Tax Increment Debt Fund for the year ending December 31, 2003, the following:

\$102,876.97 to an account entitled "Transfer To" 1340.905.2710

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Solid Waste Fund, for the year ending December 31, 2003, the following:

\$ 20,000.00 to an account entitled "Services/Contracts" 2102-605-2392

Section 3:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2003, the following:

\$ 25,000.00 to an account entitled "Supplies/Materials/Postage" 1100.440.2410

\$ 10,000.00 to an account entitled "Services/Contracts" 1100.440.2392

\$ 2,500.00 to an account entitled "City Share Medicare" 1100.435.2231.

Section 4:

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

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2003

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

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

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2003 appropriation from within the "Tax Increment Debt Fund" to the "Tax Increment Financing Service Payment 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 2003 appropriation from within the "Tax Increment Debt Fund" to the "Tax Increment Financing Service Payment Fund", of the City of Massillon, Ohio, the following:

\$102,876.97 FROM: "Tax Increment Debt Fund"

TO: "Tax Increment Financing Service Payment"

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the various departments for 2003, 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 \_\_\_\_\_ 2003

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

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

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 35 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Tax Increment Financing Service Payment Fund of the City of Massillon, Ohio, for the year ending December 31, 2003, 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 Tax Increment Financing Service Payment Fund of the City of Massillon, Ohio for the year ending December 31, 2003, the following:

\$102,876.97 to an account entitled "Massillon City School District TIF Payment" 3109.905.2379

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed to make the payment to the Massillon City School District for their share of the Massillon Market Place TIF Project 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 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2003

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

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

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Sharon Howell*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2003

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, 2003, 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, 2003, the following:

\$40,000.00 to an account entitled "Advance To" 1100.905.2750

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the 16<sup>th</sup> Street S.E. Improvement Project 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 \_\_\_\_\_ 2003

APPROVED: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNY HARWIG, PRESIDENT

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

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO.37 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2003 appropriation from within the General Fund to the 16<sup>th</sup> Street Project 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 2003 appropriation from within the General Fund the 16<sup>th</sup> Street Project Fund, of the City of Massillon, Ohio, the following:

\$40,000.00 FROM: "Advance To" 1100.905.2720  
TO "Advance In" 1410.435.1865

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for 16<sup>th</sup> Street S.E. Improvement Project 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 \_\_\_\_\_ 2003

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

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

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 2003

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the 16<sup>th</sup> Street Project Fund the year ending December 31, 2003, 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 16<sup>th</sup> Street Project Fund for the year ending December 31, 2003, the following:

\$40,000.00 to an account entitled "Advance In" 1410.435.2510

Section 3:

This Ordinance is hereby declared to be an emergency measure, for the 16<sup>th</sup> Street S.E. Improvement Project 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 \_\_\_\_\_ 2003

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL

\_\_\_\_\_  
DENNIS D. HARWIG, PRESIDENT

APPROVED: \_\_\_\_\_

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

DATE: February 3, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO.2 - 2003

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION supporting the efforts of the United Steel Workers Union in their fight to have the pension and shut down benefits entitled to the steelworkers of Republic Technologies International (RTI) and ceased by the Pension Benefits Guaranty Corporation released.

WHEREAS, Republic Technologies International filed for bankruptcy in April 2002, and let it be known that any reorganization would not include the Massillon Hot Roll Mill; and

WHEREAS, the steel workers at RTI are eligible under the either the pension plan or shutdown benefits, as per the latest labor agreement.; and

WHEREAS, on June 14, 2002 the Pension Benefits Guaranty Corporation ceased all pensions and potential shutdown benefits and on August 16, 2002 RTI announced the Massillon Hot Roll shutdown leaving many workers without the benefits they are entitled to.; and

WHEREAS, The United Steel Workers International and Republic Engineered Products (REP) have filed suit in Federal Court in Youngstown for the release of these aforementioned benefits.

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

Section 1:

We the members of the Council of the City of Massillon, Ohio, do hereby go on public record by officially expressing our support of the legal action taken by the Untied Steel Workers Union, their International, and REP in order to have the benefits due the hard working employees of the Massillon Hot Roll Mill and their families, and urge the support of our elected officials throughout the State and in Washington D.C.

Section 2:

This resolution shall become effective immediately

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 3 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION declaring the appropriation of property to be appropriated for the 16<sup>th</sup> Street S.E. Improvement Project, and declaring an emergency.

WHEREAS, this Council hereby determines that it is necessary to appropriate certain real property to be used for the 16<sup>th</sup> Street S.E. Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 165.05 it is necessary for the City of Massillon to pass this resolution authorizing the appropriation of said property prior to filing a petition with the court.

NOW, THEREFOR, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

That the fee simple interest in and to the following described real estate be and the same is hereby appropriated for the public purpose for the completion of the 16<sup>TH</sup> Street S.E. Improvement Project. A description of such property is attached hereto as "Attachment A", currently owned by Mattie L. Bullock.

Section 2:

That the City Auditor be and is hereby authorized and directed to draw her warrants on items of appropriation designated herein upon receipt of vouchers duly approved by the proper departmental authority, including but not limited to a deposit with the court for the value of said real estate.

Section 3:

That the Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Massillon, the emergency being to proceed with the 16<sup>th</sup> Street Improvement Project; and provided it receives the affirmative voted of two-thirds of all the members elected 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.

**Attachment A**

1

**PARCEL 8-WD  
STA-16<sup>TH</sup> STREET, SE  
IN THE NAME OF AND FOR THE USE OF THE CITY OF MASSILLON  
EXCLUDING LIMITATION OF ACCESS**

Situated in the State of Ohio, City of Massillon, County of Stark, Township of Perry, being in the northeast quarter of Section 17 Town 10 North, Range 9 West, and being a part of City Lot 3415 and also being a parcel on the left side of the centerline of survey of STA-16<sup>TH</sup> Street, SE made by KS Associates, Inc. in June, 2001 bounded and described as follows:

Commencing for reference at a ¾" pipe found at the intersection of the centerlines of 16<sup>th</sup> Street, SE and Walnut Road; being at Station 50+00;

Thence South 01° 57' 55" West in the existing centerline of 16<sup>th</sup> Street, 158.32 feet to a point;

Thence leaving said centerline, North 88° 02' 05" West, 20.00 feet to the true place of beginning for the parcel herein described; said point being 20.00 feet left of Station 48+41.68 also being the northeasterly corner of City Lot 3415 ;

Thence South 01° 57' 55" West in the westerly right of way line of 16<sup>th</sup> Street SE, 50.00 feet to the southeasterly corner of City Lot 3415 being 20.00 feet left of Station 47+91.68;

Thence leaving said right of way line, North 89° 39' 32" West in the grantor's southerly line, 15.01 feet to an iron pin set being 35.00 feet left of Station 47+91.25;

Thence leaving said line North 01° 57' 55" East 50.00 feet to an iron pin set on the grantor's northerly property line being 35.00 feet left of Station 48+41.25;

Thence South 89° 39' 30" East in said line, 15.01 feet to the point of beginning.

Containing within said bounds, 750.00 square feet or 0.0172 acres of land.

The above described area is contained in Permanent Parcel Number 0601357.

Grantor claims title by Deed Volume 2362 at Page 587 of the Stark County Recorder's Office.

Bearings are based on Ohio State Plane, North Zone, NAD83 (1995).

Grantor conveys all of the property as described above except they reserve the right of ingress and egress.

All iron pins set are 5/8"x 30" capped rebar labeled KS ASSOCS INC PROP MARKER.

This description was prepared by KS Associates, Inc. on October 7, 2002 under the supervision of Mark Yeager, Professional Surveyor Ohio No. 7289.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 4 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION declaring the appropriation of property to be appropriated for the 16<sup>th</sup> Street S.E. Improvement Project, and declaring an emergency.

WHEREAS, this Council hereby determines that it is necessary to appropriate certain real property to be used for the 16<sup>th</sup> Street S.E. Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 165.05 it is necessary for the City of Massillon to pass this resolution authorizing the appropriation of said property prior to filing a petition with the court.

NOW, THEREFOR, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

That the fee simple interest in and to the following described real estate be and the same is hereby appropriated for the public purpose for the completion of the 16<sup>TH</sup> Street S.E. Improvement Project. A description of such property is attached hereto as "Attachment B", currently owned by Michale Lemon.

Section 2:

That the City Auditor be and is hereby authorized and directed to draw her warrants on items of appropriation designated herein upon receipt of vouchers duly approved by the proper departmental authority, including but not limited to a deposit with the court for the value of said real estate.

Section 3:

That the Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Massillon, the emergency being to proceed with the 16<sup>th</sup> Street Improvement Project; and provided it receives the affirmative voted of two-thirds of all the members elected 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.

**Attachment B**

1

**PARCEL 20-WD  
STA-16<sup>TH</sup> STREET, SE  
IN THE NAME OF AND FOR THE USE OF THE CITY OF MASSILLON  
EXCLUDING LIMITATION OF ACCESS**

Situated in the State of Ohio, City of Massillon, County of Stark, Township of Perry, being in the northeast quarter of Section 17 Town 10 North, Range 9 West, and being the east one-half of City Lot 3414 and also being a parcel on the left side of the centerline of survey of STA-16<sup>TH</sup> Street, SE made by KS Associates, Inc. in June, 2001 bounded and described as follows:

Commencing for reference at a ¾" pipe found at the intersection of the centerlines of 16<sup>th</sup> Street, SE and Walnut Road; being at Station 50+00;

Thence South 01° 57' 55" West in the existing centerline of 16<sup>th</sup> Street, 21.95 feet to a point;

Thence leaving said centerline, North 88° 02' 05" West, 20.00 feet to the true place of beginning for the parcel herein described; said point being 20.00 feet left of Station 49+78.05, also being the northeasterly corner of City Lot 3414;

Thence South 01° 57' 55" West in the westerly right of way line of 16<sup>th</sup> Street SE, 136.37 feet to a point on the grantor's southerly property line being 20.00 feet left of Station 48+41.68, also being the southeasterly corner of City Lot 3414;

Thence leaving said right of way line, North 89° 39' 30" West in said southerly line, 72.17 feet to an iron pin set being 92.14 feet left of Station 48+39.63;

Thence leaving said line North 02° 00' 27" East, in the grantor's westerly property line 168.78 feet to an iron pin set on the southerly right of way line of Walnut Road being 28.00 feet right of Walnut Road Station 19+11.94;

Thence South 65° 10' 22" East in said line, 78.16 feet to the point of beginning.

Containing within said bounds, 10,998.86 square feet or 0.2525 acres of land.

The above described area is contained in Permanent Parcel Number 0606717.

Grantor claims title by Instrument No. 97055289 of the Stark County Recorder's Office.

Bearings are based on Ohio State Plane, North Zone, NAD83 (1995).

Grantor conveys all of the property as described above except they reserve the right of ingress and egress.

All iron pins set are 5/8"x 30" capped rebar labeled KS ASSOCS INC PROP MARKER.

This description was prepared by KS Associates, Inc. on October 4, 2002 under the supervision of Mark Yeager, Professional Surveyor Ohio No. 7289.

R:\0000000120\WORD\20-WD.doc

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION declaring the appropriation of property to be appropriated for the 16<sup>th</sup> Street S.E. Improvement Project, and declaring an emergency.

WHEREAS, this Council hereby determines that it is necessary to appropriate certain real property to be used for the 16<sup>th</sup> Street S.E. Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 165.05 it is necessary for the City of Massillon to pass this resolution authorizing the appropriation of said property prior to filing a petition with the court.

NOW, THEREFOR, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

That the fee simple interest in and to the following described real estate be and the same is hereby appropriated for the public purpose for the completion of the 16<sup>TH</sup> Street S.E. Improvement Project. A description of such property is attached hereto as "Attachment C", currently owned by Nolice Long.

Section 2:

That the City Auditor be and is hereby authorized and directed to draw her warrants on items of appropriation designated herein upon receipt of vouchers duly approved by the proper departmental authority, including but not limited to a deposit with the court for the value of said real estate.

Section 3:

That the Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Massillon, the emergency being to proceed with the 16<sup>th</sup> Street Improvement Project; and provided it receives the affirmative voted of two-thirds of all the members elected 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.

**Attachment C**

1

**PARCEL 27-WD  
STA-16<sup>TH</sup> STREET, SE  
IN THE NAME OF AND FOR THE USE OF THE CITY OF MASSILLON  
EXCLUDING LIMITATION OF ACCESS**

Situated in the State of Ohio, City of Massillon, County of Stark, Township of Perry, being in the northeast quarter of Section 17 Town 10 North, Range 9 West, and being a part of City Lot 5175 being a parcel on the left side of the centerline of survey of STA-16<sup>TH</sup> Street, SE made by KS Associates, Inc. in June, 2001 bounded and described as follows:

Commencing for reference at a ¾" pipe found at the intersection of the centerlines of 16<sup>th</sup> Street, SE and Walnut Road; being at Station 50+00;

Thence North 01° 48' 58" East in the existing centerline of 16<sup>th</sup> Street, SE, 256.03 feet to a point;

Thence leaving said centerline, North 88° 11' 02" West, 20.00 feet to the point of beginning for the parcel herein described being 7.30 feet left of proposed centerline Station 52+56.89, also being the southeasterly corner of City Lot 5175;

Thence North 62° 39' 15" West in the grantor's southerly property line, 31.43 feet to an iron pin set being 35.00 feet left of proposed centerline Station 52+69.51;

Thence leaving said property line and along the arc of a curve which deflects to the right, 54.98 feet to an iron pin set being 35.00 feet left of proposed centerline Station 53+25.07; said curve having a radius of 1349.33 feet, a delta of 02° 20' 04", and a chord of 54.97 feet which bears North 00° 37' 46" East;

Thence South 62° 26' 09" East in the grantor's northerly property line, 32.75 feet to the northeasterly corner of City Lot 5175 being 5.58 feet left of proposed centerline Station 53+10.89;

Thence South 01° 48' 58" West in the westerly right of way line of 16<sup>th</sup> Street, SE, 54.28 feet to the point of beginning.

Containing within said bounds, 1,582.74 square feet or 0.0363 acres of land.

The above described area is contained in Permanent Parcel Number 0606938.

Grantor claims title by Deed Volume 4005 at Page 493 of the Stark County Recorder's Office.

Bearings are based on Ohio State Plane, North Zone, NAD83 (1995).

Grantor conveys all of the property as described above except they reserve the right of ingress and egress.

All iron pins set are 5/8"x 30" capped rebar labeled KS ASSOCS INC PROP MARKER.

DATE: February 3, 2003

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 6 - 2003

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

A RESOLUTION declaring the appropriation of property to be appropriated for the 16<sup>th</sup> Street S.E. Improvement Project, and declaring an emergency.

WHEREAS, this Council hereby determines that it is necessary to appropriate certain real property to be used for the 16<sup>th</sup> Street S.E. Improvement Project; and

WHEREAS, pursuant to Ohio Revised Code Section 165.05 it is necessary for the City of Massillon to pass this resolution authorizing the appropriation of said property prior to filing a petition with the court.

NOW, THEREFOR, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

That the fee simple interest in and to the following described real estate be and the same is hereby appropriated for the public purpose for the completion of the 16<sup>TH</sup> Street S.E. Improvement Project. A description of such property is attached hereto as "Attachment D", currently owned by Nolice Long.

Section 2:

That the City Auditor be and is hereby authorized and directed to draw her warrants on items of appropriation designated herein upon receipt of vouchers duly approved by the proper departmental authority, including but not limited to a deposit with the court for the value of said real estate.

Section 3:

That the Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Massillon, the emergency being to proceed with the 16<sup>th</sup> Street Improvement Project; and provided it receives the affirmative vote of two-thirds of all the members elected 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.

**Attachment ED**

1

**PARCEL 27-T  
STA-16<sup>TH</sup> STREET, SE  
TEMPORARY EASEMENT FOR ROAD IMPROVEMENTS**

Situated in the State of Ohio, City of Massillon, County of Stark, Township of Perry, being in the northeast quarter of Section 17 Town 10 North, Range 9 West, and being a part of City Lot 5175 being a parcel on the left side of the centerline of survey of STA-16<sup>TH</sup> Street, SE made by KS Associates, Inc. in June, 2001 bounded and described as follows:

Commencing for reference at a ¾" pipe found at the intersection of the centerlines of 16<sup>th</sup> Street, SE and Walnut Road; being at Station 50+00;

Thence North 01° 48' 58" East in the centerline of 16<sup>th</sup> Street, SE, 269.51 feet to a point;

Thence leaving said centerline, North 88° 11' 02" West, 48.36 feet to the point of beginning for the parcel herein described being 35.00 feet left of proposed centerline Station 52+71.51;

Thence North 62° 39' 15" West in the grantor's southerly property line 6.95 feet to a point being 41.14 feet left of proposed centerline Station 52+72.58;

Thence leaving said line North 00° 30' 57" West, 55.58 feet to a point being 42.40 feet left of proposed centerline Station 53+28.52;

Thence South 62° 26' 09" East in the grantor's northerly property line, 8.21 feet to a point being 35.00 feet left of proposed centerline Station 53+25.07;

Thence leaving said property line and along the arc of a curve which deflects to the left, 54.98 feet to the point of beginning; said curve having a radius of 1349.33, a delta of 02° 20' 05", and a chord of 54.97 feet which bears South 00° 37' 46" West.

Containing within said bounds, 361.53 square feet or 0.0083 acres of land.

The above described arca is contained in Permanent Parcel Number 0606938.

Grantor claims title by Deed Volume 4005 at Page 493 of the Stark County Recorder's Office.

Bearings are based on Ohio State Plane, North Zone, NAD83 (1995).

All iron pins set are 5/8"x 30" capped rebar labeled KS ASSOCS INC PROP MARKER.

This description was prepared by KS Associates, Inc. on November 16, 2001 under the supervision of Mark Yeager, Professional Surveyor Ohio No. 7289.