

AGENDA

DATE: MONDAY, APRIL 5, 2004
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARING TONIGHT
ORDINANCE NO. 48 - 2004 AT 7:00PM

1. ROLL CALL *CRUSE MANG + BRYAN - DO KLE ORD 74 - 7-0*
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

ORDINANCE NO. 67 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

5000
70
P.O.D.
70
AN ORDINANCE authorizing the Mayor to enter into an Enterprise Zone Agreement with Ohio Packaging Corporation, providing for the modernization of an existing plant facility which will improve their facility and preserve the jobs of existing employees within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 68 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

P.H. 4-19-04 @ 7:30 pm
AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan, authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

ORDINANCE NO. 69 - 2004

BY: ENVIRONMENTAL COMMITTEE

5000
70
P.O.D.
70
AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.

ORDINANCE NO. 70 - 2004

BY: ENVIRONMENTAL COMMITTEE

105
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a revised Cooperative Agreement with Greif, Inc, for the design of a sanitary sewer ~~pumping station~~ *facilities* for the West Warmington Area Region, and declaring an emergency.

ORDINANCE NO. 71 - 2004

BY: PARKS AND RECREATION COMMITTEE

5000
70
P.O.D.
70
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Raymond Bush for golf professional services at The Legends Golf Course, and declaring an emergency.

ORDINANCE NO. 72 - 2004

BY: PARKS AND RECREATION COMMITTEE

SDSP 7-2 PMS 7-0
AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Craig Immel for supplemental services at The Legends Golf Course, and declaring an emergency.

ORDINANCE NO. 73 - 2004

BY: PARKS AND RECREATION COMMITTEE

125
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding, upon award and approval of the Board of Control, with the Boys and Girls Club of Massillon, Inc, for the operation of the concession stands at the Genshaft and Community Parks, and declaring an emergency.

ORDINANCE NO. 74 - 2004

BY: POLICE AND FIRE COMMITTEE

Deleted
~~Will receive at the meeting.~~

ORDINANCE NO. 75 - 2004

BY: POLICE AND FIRE COMMITTEE

125
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to implement the Knox Box program in the Massillon Fire Department.

ORDINANCE NO. 76 - 2004

BY: FINANCE COMMITTEE

SDSP 7-0 PMS 7-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Health Services Fund, Swimming Pool Fund and the House Trailer Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 77 - 2004

BY: FINANCE COMMITTEE

SDSP 7-0 PMS 7-0
AN ORDINANCE reducing the appropriations in the Restaurant License Fund of the City of Massillon, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 78 - 2004

BY: FINANCE COMMITTEE

SDSP 7-0 PMS 7-0
AN ORDINANCE making certain transfers in the 2004 appropriations from within the Restaurant License Fund, Swimming Pool Fund and the House Trailer Fund to the Community Health Fund, in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 79 - 2004

BY: FINANCE COMMITTEE

125
AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, and amending Section 181.03 "IMPOSITION OF TAX" by repealing subsection 181.03 (13) and enacting a new subsection 181.03 (e) (13) and adding additional language to Section 181.03 (a) (1) of the Codified Ordinances of the City of Massillon to provide for the taxation of Lottery winnings.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR MARCH 2004
- B). AUDITOR SUBMITS MONTHLY REPORT FOR MARCH 2004

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 48 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

To see TO change 4/12/04
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from Tuscarawas Township – No Zoning to B-3 General Business.

ORDINANCE NO. 50 – 2004

BY: ENVIRONMENTAL COMMITTEE

Amend TO Remove 937.10 from file. - 7-0
AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", and Section 937.09 "ANNUAL RATES FOR SEWER SERVICE" and enacting a new Section 937.08 "ADMINISTRATION AND DISBURSEMENT OF FUNDS", Section 937.09 "ANNUAL RATES FOR SEWER SERVICE".

ORDINANCE NO. 51 – 2004

BY: ENVIRONMENTAL COMMITTEE

POD 7-0
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with Republic Services of Ohio, LLC, dba Countywide Recycling & Disposal Facility for the disposal of municipal solid waste for the City of Massillon, Ohio.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 55 - 2004

BY: ENVIRONMENTAL COMMITTEE

POD
AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by repealing existing Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" and enacting a new Section 925.12(b) "SEWER CONNECTION PERMIT REQUIRED; FEE" of CHAPTER 925.

ORDINANCE NO. 56 - 2004

BY: HEALTH, WELFARE & BLDG REGULATIONS

END
AN ORDINANCE amending CHAPTER 1307 "BUILDING MAINTENANCE CODE" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1307.05 "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE" and enacting a new Section 1307.05 "Roofs, Gutters, and Downspouts" of CHAPTER 1307 "BUILDING MAINTENANCE CODE".

ORDINANCE NO. 58 - 2004

Amended 7-0

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE amending CHAPTER 353 "ON-STREET AND OFF-STREET PARKING" of the Codified Ordinances of the City of Massillon, by repealing existing Section 353.99 "PENALTY" and enacting a new Section 353.99 "PENALTY".

ORDINANCE NO. 59 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND **AN ORDINANCE** directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 815 Seneca NE., in the City of Massillon.

ORDINANCE NO. 60 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND **AN ORDINANCE** directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 725 Main Avenue West, in the City of Massillon.

ORDINANCE NO. 61 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

2ND **AN ORDINANCE** directing the City Engineer and the Director of Public Service and Safety to prepare cost estimates, plans, profiles and specifications for replacement of sidewalks at 319 Cherry Road NE., in the City of Massillon.

ORDINANCE NO. 64 - 2004

BY: FINANCE COMMITTEE

2ND **AN ORDINANCE** amending CHAPTER 1113 "ADMINISTRATION AND ENFORCEMENT" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES" and enacting a new Section 1113.06(b) "PLAN CHECKING AND FILED INSPECTIONS FEES".

~~16. NEW AND MISCELLANEOUS BUSINESS~~

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

~~18. ADJOURNMENT~~

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 67 - 2004

*5-9-04
7-0
7-0*
BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an Enterprise Zone Agreement with Ohio Packaging Corporation, providing for the modernization of an existing plant facility which will improve their facility and preserve the jobs of existing employees 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, Ohio Packaging Corporation is proposing to modernize its facility at 772 – 777 3rd Street NW, within the Massillon Enterprise Zone, through the modernization of the existing facility at a total investment of \$5.4 Million Dollars, (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 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 Ohio Packaging Corporation with the incentives available for development of the Project in said Enterprise Zone, under Chapter 5709 of the Ohio Revised Code; and

WHEREAS, Ohio Packaging Corporation Company 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 Ohio Packaging Corporation 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 Massillon School District and the Massillon 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 Enterprise Zone Agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with Ohio Packaging Corporation providing for the adoption of a project which will improve their 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 reasons that emergency approval of the Agreement will enable Ohio Packaging to immediately commence with construction of the proposed improvements to the facility resulting in the retention of the current employees of the facility and that approval of said agreement is necessary so as to maximize the investment that will be made by Ohio Packaging Corporation 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

PM 4-19-04

135-4-5-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 68 - 2004

2nd Reading 4/19
passed 5/3

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE approving an application for assistance under Title I of the Housing and Community Development Act of 1974, as amended, including the Consolidated Plan and Annual Action Plan; authorizing the execution and filing of the application and related assurances and certifications, and declaring an emergency.

WHEREAS, under the provisions of Title I of the Housing and Community Development Act of 1974 (which title is hereunder referred to as the "Act") and the regulations promulgated thereunder (24 CFR Parts 58 and 570, hereunder referred to as the "Regulations") is authorized to make block grants to units of general local government to help finance housing and community development programs (which grants are hereinafter to as "CDBG" grants); and

WHEREAS, the City of Massillon proposes to apply for such a grant for Fiscal Year 2004 and as, in that connection and as required by and pursuant to the Act and Regulations, prepared a Consolidated Plan for community development, including a strategic plan for meeting its housing and community development needs, and an annual action plan describing the activities that the City proposes to undertake with CDBG funds; and

WHEREAS, the City of Massillon has developed and implemented a citizen participation plan to make information available to citizens, public agencies, and others on the various elements of CDBG program; to encourage participation of citizens and organizations representing citizens, particularly low and moderate income citizens, in the development of the Consolidated Plan; to hold public meetings on the Plan and proposed CDBG Budget and to provide timely and adequate notice of such meetings; and to provide technical assistance to citizens and citizen groups requesting assistance to adequately participate in the planning, implementation, and evaluation of the Consolidated Plan and CDBG Program; and

WHEREAS, the Council has duly reviewed and considered the Consolidated Plan and Annual Action Plan, along with the summary of proposed activities for use of the CDBG funds, a copy of which is attached as Exhibit "A", the views and proposals of citizens, and the comments and recommendations of the City's administrative and planning officials.

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

Section 1:

This Council hereby finds and determines that the Consolidated Plan and Annual Action Plan properly and adequately identifies the City's housing and community development needs and objectives; and that the programs and activities to be undertaken by the City with CDBG funds as provided for under the Act for the 2004 Program Year have been designed so as to give maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, so as to achieve the national objectives of the CDBG program which are to develop viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for low and moderate income persons; and for these reasons, this Council approves said Plan.

Section 2:

That the Mayor, being the chief executive officer of the City of Massillon, is hereby designated as the authorized representative of the City, to act in connection with the City's application for CDBG funds, and to provide such additional information, as well as to execute and file such additional documentation or certifications as may be required by the Secretary or by other responsible agencies in connection with the application.

Section 3:

That this Council hereby finds and determines that the City in preparing its application for CDBG funds, has complied with the applicable requirements of the Act and Regulations, and that this Council hereby approves the Annual Action Plan and authorizes the Mayor to execute and file the application, together with all related documentation, with the Secretary.

Section 4:

That this Council hereby directs that the City of Massillon is carrying out its CDBG funded activities, continue to comply with applicable requirements of the Act and Regulations and with other applicable laws including civil rights, equal opportunity and fair housing, citizens participation, real property acquisition and relocation, environmental protection, fair labor standards, and the requirement of giving maximum feasible priority to activities which will benefit low and moderate income households or aid in the prevention or elimination of slums and blight, and this Council authorizes the Mayor to execute and file with the Secretary certifications in such form as the Secretary may prescribe, which will provide assurances concerning these foregoing matters, and concerning other matters as may be required by the Secretary in connection with carrying out the City's CDBG program.

Section 5:

That this Council hereby authorizes the Mayor to consent to assume the status of a responsible Federal official under the National Environmental Police Act of 1969, insofar as the provision of such act applies to the Secretary's responsibilities for environmental review, decision making, and action to be assumed and carried out by the Mayor, and authorizes the Mayor to consent, on behalf of the City, to accept the jurisdiction of the Federal Courts for the purposes of carrying out the CDBG program; and furthermore, that this Council hereby authorizes the Mayor to execute and file such other documents and take such other actions in connection with the environmental review process as may be required by the Act and Regulations.

Section 6:

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the further reason that the immediate approval and filing of the application is necessary to enable the City to qualify for its CDBG Grant for the FY 2004 Program Year and thus enable it to carry out its Community Development Program. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force form and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 69 - 2004

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.

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

Section 1:

The Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized and directed to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 2:

A copy of said contract agreement is attached hereto as Exhibit "A" and made part of this Ordinance.

Section 3:

The grant to be received by the City shall be Twenty-Five Thousand Dollars (\$25,000.00).

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 grant agreement be entered into for the efficient operation of the recycling program and so that the grant will be received as soon as possible. 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

125 - 4-5-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 70 - 2004

passed 4/9/04

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a revised Cooperative Agreement with Greif, Inc. for the design of a sanitary sewer ~~pumping station~~ *facility* for the West Warmington Area Region, 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 revised Cooperative Agreement with Greif, Inc. for the design of a sanitary sewer ~~pumping station~~ *facility* for the West Warmington Area Region, pursuant to the terms of the revised Cooperative Agreement, a copy of which is attached hereto as exhibit "A".

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a revised Cooperative Agreement with Grief, Inc. for the design of a sanitary sewer ~~pumping station~~ *facility* for the West Warmington Area Region.

(SEE ATTACHED EXHIBIT "A")

Section 3:

This Ordinance is here by declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, emergency passage will enable immediate commencement of the project and for the additional reason that it is necessary to enter into a revised contract with Grief, Inc. for the design of a sanitary sewer pumping station for the West Warmington 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

Revised
COOPERATIVE AGREEMENT
by and between
GREIF, INC.
CITY OF MASSILLON, OHIO
for
THE CONSTRUCTION of a SANITARY SEWER
FOR THE WEST WARMINGTON AREA REGION

WHEREAS, the City of Massillon, Ohio ("CITY") is willing to act as the lead agency for the proposed project.

WHEREAS, Greif Inc., Ohio ("GREIF") is willing to share in the cost of the proposed project in a amount not to exceed two-hundred twenty two thousand five hundred dollars (\$222,500.00) for the construction of the sanitary sewer.

WHEREAS, the proposed project, ("project") consists of the design and construction of the West Warmington Area sanitary sewer.

WHEREAS, the city will design and manage the construction of the Sanitary Sewer.

WHEREAS, The City will publicly bid the project and advise Greif of the successful bidder and the proposed schedule. Greif will then forward 50% of the project cost up to two hundred twenty two thousand five hundred dollars (\$222,500.00) and the City will deposit the funds. The City will provide Greif with an accounting of the project if requested.

WHEREAS, the project will be a publicly owned after it's acceptance by the city.

I. GENERAL PROVISIONS

Pursuant to the intent of the project, CITY and Greif agree to carry out their respective responsibilities for the completion of the construction:

In order to protect the interests of all parties, it is specifically agreed; the CITY and Greif will split the costs of the project.

II. IMPLEMENTATION TIME FRAME

Following the approval of the Permit to Install (PTI) by the OEPA, the city will contract through a public bidding process. After which the City will notify Greif of the proposed time frame of construction. Once said improvements are made the City will retain the ownership of said project.

III. INDEPENDENCE OF PARTIES

Greif shall not be considered an agent of CITY for any purpose, nor shall CITY be considered an agent of Greif.

IV. TERMINATION

A. Greif and the City will work together under this Agreement to further the goal of the project and thus protecting a valuable water resource in Stark County. However, Greif and CITY specifically retain the right to terminate this Agreement with written notice to the other party not less than five (5) days prior to the date CITY enters into any contract whether for the design or construction of the project.

B. If any party hereto breaches or fails to carry out any obligation contained herein or in any collateral agreements, the non-defaulting party shall have the right to terminate this Agreement.

V. DEFAULT

In the event of default by any party under this Agreement or any collateral Agreements, the non-defaulting party will have all remedies available to them at law or in equity, including right of termination, injunctive relief and the right to specific performance.

VI. COMPLIANCE WITH LAWS

In performing their obligations hereunder, the parties hereto will comply with all applicable federal, state and municipal laws.

GREIF, INC.

Date: _____

By: _____
William M. Shew,

Approved as to form:

DATE: _____

BY: _____

CITY OF MASSILLON, OHIO

Date: _____

By: _____
Alan W. Climer
Safety and Service Director

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

503P
7-0
P00010

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 71 - 2004

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Raymond Bush for golf professional services at The Legends 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 Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract without competitive bidding with Raymond Bush for golf professional services at The Legends Golf Course.

Section 2:

Raymond Bush shall be permitted to provide golf professional services and lessons and receive payment for the same directly from the customer upon the terms and conditions contained in the supplemental agreement.

(SEE ATTACHED EXHIBIT "A")

Section 3:

This Ordinance is here by 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 a golf professional is hired prior to the 2004 season opening of The Legends Golf Course 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

CITY OF MASSILLON
Supplemental Agreement

This Supplemental Services Agreement (this "Agreement") is made this _____ day of _____, 2004, by and between the City of Massillon, Ohio (the "City") and Raymond S. Bush, hereinafter called (the "Golf Professional").

1. Term. The City does hereby agree to contract with the Golf Professional to perform supplemental services the City's municipal public golf course (The Legends of Massillon) for a period of twelve (12) months from approximately January 6, 2004 – January 5, 2005. If the commencing date would have to be delayed at the option of the City, the expiration date of the AGREEMENT will be extended accordingly.

2. Services. The Golf Professional will have the right to give professional golf lessons during off-duty hours and to receive and retain all fees for such lessons during the period of the AGREEMENT. A daily log of teaching session dates and times must be submitted on a monthly basis to the Director of Golf. The Golf Professional will also be permitted use of the driving range and golf course at no cost.

3. Responsibilities. The Golf Professional is responsible for the payment of all federal, state, and local taxes on the income generated by golf lessons.

4. Termination. The Agreement will be in effect for the weeks outlined above. Should the Golf Professional violate any of the terms and conditions of this Agreement, the City may terminate the Agreement ten (10) days after written notice has been given to the Golf Professional.

IN WITNESS THEREOF, the parties have hereunto set their hands this

_____ day of _____, 2004.

ATTEST

THE CITY OF MASSILLON, OHIO

Witness

Alan W. Climer, Director of Public Service and Safety

ATTEST

GOLF PROFESSIONAL

Witness

Raymond S. Bush

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

Susp 7-0

Prop 7-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 72 - 2004

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Craig Immel for supplemental services at The Legends 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 Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract without competitive bidding with Craig Immel for supplemental services at The Legends Golf Course.

Section 2:

The contract with Craig Immel for supplemental services shall be upon the terms and conditions contained in the attached contract.

(SEE ATTACHED EXHIBIT "A")

Section 3:

This Ordinance is here by 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 have the pro shop and ready for business prior to the 2004 season opening of The Legends Golf Course 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 _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

C44411 7

CITY OF MASSILLON

Supplemental Services Agreement

This Supplemental Services Agreement (this "Agreement") is made this _____ day of _____, 2004, by and between the City of Massillon, Ohio (the "City") and Craig M. Immel (the "Director of Golf").

1. Term. The Director of Golf shall perform the supplemental services set forth in this Agreement for the City's municipal public golf course known as The Legends of Massillon (the "Golf Course") commencing on the date hereof and ending at midnight on December 31, 2006 provided, however, that this Agreement shall be automatically renewed for a three year term on the same terms provided herein, on January 1, 2007, and on each succeeding January 1 following the expiration of any then-current term, unless either party has given written notice to the other, at least 60 days prior to the expiration of any then-current term, of his or its intention not to renew the term of this Agreement.

2. Services. (a) The Director of Golf shall have the exclusive right to operate a pro-shop (the "Pro-Shop") and sell merchandise at the Golf Course. The Director of Golf shall also have the option of providing rental golf clubs. The Director of Golf shall use the existing space provided to operate and maintain an adequate stock of quality merchandise generally available in similar golf course pro-shops. The Director of Golf shall set and post business hours for the Pro-Shop according to the season.

(b) The Director of Golf shall have the right, but not the obligation, to give golf lessons, clinics and schools when his attention is not required in the Pro-Shop, to set fees for lessons, clinics and schools and to receive and retain all fees for lessons, clinics and schools during the term of this Agreement. All teaching activities for which compensation is received shall be completed during off-duty hours. A daily log of teaching session dates and times must be submitted on a monthly basis to the Director of Parks and Recreation. The Director of Golf shall be permitted use of the driving range and golf course at no cost and shall be granted playing privileges.

(c) The Director of Golf shall pay rent to the City at the rate of \$10 per year for the use of the space constituting the Pro-Shop. The Pro-Shop shall be maintained by the Director of Golf in a clean and organized manner at all times. The majority of logo merchandise shall bear the current "Legends of Massillon" logo although there may be limited, occasional use of other logos including but not limited to "drop-in" logos such as, Massillon, Legends, Massillon Tiger, Obie, U.S. Open, Ryder Cup, etc. These alternative logos must be reviewed with and approved by the Director of Parks and Recreation prior to use. The merchandise to be offered at the Pro-Shop shall be at the discretion of The Director of Golf.

3. Responsibilities. (a) The City will furnish the Director of Golf for his use all necessary facilities, properly maintained, for the operation of the Pro-Shop as set forth herein including, but not limited to, existing golf shop space, business office, storage space and club repair space, all including proper furnishings, fixtures, floor covering and utilities (collectively, the "Facilities"). The City shall turn the Facilities over to the Director of Golf on the date hereof and maintain the Facilities in good condition and repair during the term of this Agreement. All utilities, repairs and/or services required to maintain the Facilities in good condition and repair and all service bills inclusive of local telephone

service shall be the responsibility of and paid for by the City. All costs above and beyond the costs associated with the day to day golf operations that is specific to the operations of the pro-shop will be at the expense of the Director of Golf. The Facilities shall be turned over to the City upon the termination of this Agreement in broom clean condition, normal wear and tear accepted. The City agrees to indemnify and hold harmless the Director of Golf for any claims, losses or causes of action relating to events occurring in the Pro-Shop, the Facilities or on Golf Course property during the term of this Agreement, unless claim is directly associated with the merchandise or services provided by the pro-shop. Furthermore, the Director of Golf shall indemnify and hold the City harmless from any claims, demands, actions, and causes of action that may arise or be pursued with regard to injury to persons or property related directly to services, merchandise and golf lessons provided outside of and beyond the normal employment responsibilities assigned to the Director of Golf. The City shall include Pro-Shop merchandise, fixtures, supplies, and equipment as additional insured on the Golf Course's insurance liability policy. Such insurance shall be sufficient to cover the loss of any inventory, merchandise or personal property in the Facilities by reason of casualty or theft. All costs associated with this additional insurance coverage must be reimbursed to the City by the Director of Golf.

(b) The Director of Golf shall only be responsible for those expenses and costs exclusively associated with the Pro-Shop business, such as merchandise, display fixtures, hangers, merchandise price tags, bags, gift wrap, supplies, etc. The Director of Golf shall be responsible for the payment of all federal, state and local taxes on the income generated by golf lessons or Pro-Shop sales.

(c) Any persons employed by the Director of Golf in the Pro-Shop exclusively for merchandising purposes or any other purposes exclusively on his behalf shall be solely his employees, and he shall be solely responsible for the compensation, workers compensation coverage, unemployment, withholding, payroll taxes and all other duties normally required of an employer. Said individuals shall not have access to Golf Course monies or be afforded any responsibilities for Golf Course operations.

(d) In the event of the merger or acquisition of the Golf Course with another entity or the closure or cessation of operation of the Golf Course, or the death, disability, or termination of the Director of Golf, the City agrees to purchase all existing Pro-Shop merchandise, fixtures, equipment and supplies purchased by the Director of Golf. Furthermore, upon a minimum of sixty (60) days notice of resignation by the Director of Golf, the City shall purchase all Pro-Shop merchandise, fixtures, equipment, and supplies. In any of the scenarios listed above, the purchase of said merchandise, fixtures, equipment and supplies by the City will not exceed \$75,000.00. No additional merchandise purchases should be made after the date of the resignation notice without written approval from the Director of Parks and Recreation. The City will not be required to acquire any merchandise purchased or ordered after this date unless pre-approved in writing. The value of all merchandise shall be determined by the age of said merchandise: purchase cost for merchandise less than one year of age and 50% of purchase cost for merchandise aged more than one year but less than two years. Equipment, fixtures and supplies shall be valued at purchase cost. Payment shall be made within 30 days from the date this Agreement is terminated by virtue of any of the foregoing events. Merchandise value and purchase records must be made available to the City for all inventories prior to finalizing transaction.

4. Termination. (a) The City may only terminate this Agreement for "Cause" by giving the Director of Golf 30 days written notice (the "Notice") to that effect. The termination shall be

effective 30 days after receipt of the Notice unless otherwise set forth below. The Notice shall set forth the basis for the termination and termination for Cause shall be justified by any one or more of the following: (i) willful failure or refusal to perform specific directives of the City, which directives are consistent with the scope and nature of his duties and responsibilities if not corrected to the reasonable satisfaction of the City within 20 days of the Notice; (ii) disrespectful or unprofessional conduct in dealings with patrons of the Golf Course if not corrected to the reasonable satisfaction of the City within 20 days of the Notice; or (iii) any action that involves wrongfully appropriating or using the City's property.

(b) The Director of Golf may terminate this Agreement upon 60 days advance written notice to the City.

5. Conflicts With City Employment. In the event of any conflict between the provisions of this Agreement and any directives given to the Director of Golf by City officials with authority over him in his capacity as a City employee, the compliance by the Director of Golf with such directives shall not result in the Director of Golf being in breach of this Agreement. No breach of this Agreement by the Director of Golf shall in any manner affect his employment status with the City.

6. Miscellaneous. (i) This Agreement shall be governed by, and construed in accordance with, the laws of the State of Ohio, without regard to conflicts of laws principles thereof. (ii) No waiver of any right hereunder by either party shall operate as a waiver of any other right, or of the same right with respect to any subsequent occasion for its exercise, or of any right to damages. (iii) If any provision of this Agreement shall be declared void or unenforceable by any judicial or administrative authority, the validity of any other provisions and of the entire Agreement shall not be affected thereby. (iv) This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and represent the complete agreement of the City and the Director of Golf with respect to the transactions contemplated hereby and supersede all prior agreements and understandings. (v) This Agreement may be not be assigned by either party hereto without the consent of the other party. (vi) The City has all requisite power and authority to enter into this Agreement.

IN WITNESS THEREOF, the parties have executed this agreement as of the day and year first above written.

_____ day of _____, 2004.

ATTEST

THE CITY OF MASSILLON, OHIO

Witness

Alan W. Climer, Director of Public Service and Safety

ATTEST

DIRECTOR OF GOLF

Witness

Craig M. Immel, Director of Golf

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

*Sp 30 T-2
6-10-0
125*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 73 - 2004

1st Reading
LEGISLATIVE DEPARTMENT

*Tabled - Reconsidered
after Exec Session
passed 4/19/04*

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding, upon award and approval of the Board of Control, with the Boys and Girls Club of Massillon, Inc. for the operation of the concession stands at the Genshaft and Community Parks, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to enter into a contract without competitive bidding, upon award and approval of the Board of Control, with the Boys and Girls Club of Massillon, Inc. for the operation of the concession stands at the Genshaft and Community Parks.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into contract without competitive bidding, upon award and approval by the Board of Control, with the Boys and Girls Club of Massillon, Ohio for the operation of the concession stands at the Genshaft and Community Parks.

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 concession stands at the Genshaft and Community Parks. 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 _____, 2004

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 75 - 2004

1st reading
2nd reading 4/19
passed 5/3

BY: POLICE AND FIRE COMMITTEE:

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to implement the Knox Box program in the Massillon Fire Department.

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 implement the Knox Box program in the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to implement the Knox Box program in the Massillon Fire Department.

Section 3:

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

APPROVED: _____
MARY BETH BAILEY, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 76 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Health Services Fund, Swimming Pool Fund and the House Trailer Fund, for the year ending December 31, 2004, 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 Community Health Services Fund, for the year ending December 31, 2004, the following:

\$2,000.00 to an account entitled "Community Health Services/Contracts" 1235.705.2392

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Swimming Pool Fund, for the year ending December 31, 2004, the following:

\$2,173.27 to an account entitled "Transfer" 1236.705.2710

Section 3:

There be and hereby is appropriated from the unappropriated balance of the House Trailer Fund, for the year ending December 31, 2004, the following:

\$2,068.33 to an account entitled "Transfer To" 1207.910.2710

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 _____ 2004

ATTEST: _____

MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 77 - 2004

*507P 7-0
P 1-0*
BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing the appropriation in the Restaurant License Fund of the City of Massillon, for the year ending December 31, 2004, and declaring an emergency.

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

Section 1:

The appropriations are hereby reduced in the Restaurant License Fund, for the year ending December 31, 2004, as follows:

\$17,897.84 from an account entitled "Supplies" 1211.720.2410
\$15,500.00 from an account entitled "Services/Contracts" 1211.720.2392
\$12,000.00 from an account entitled "Rent Grand Mill" 1211.720.2395
\$ 2,000.00 from an account entitled "Travel Seminar Schooling" 1211.720.2389
\$ 1,053.46 from an account entitled "PERS" 1211.720.2230
\$ 802.16 from an account entitled "Workers Comp" 1211.720.2270
\$ 264.00 from an account entitled "Medicare" 1211.720.2231

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 and for the additional reason that the appropriation needs to be reduced because of an audit procedure. 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 _____ 2004

ATTEST:

MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

525P-0
101-0
COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 78 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2004 appropriation from within the Restaurant License Fund, Swimming Pool Fund and the House Trailer Fund to the Community Health Fund, in 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 2004 appropriation from within the Restaurant License Fund to the Community Health Fund City of Massillon, Ohio, the following:

\$33,252.54 FROM: "Transfer To" 1211.720.2710
TO: "Transfer In" 1235.705.1860

Section 2:

There be and hereby is transferred from the 2004 appropriation from within the Swimming Pool Fund to the Community Health Fund, of the City of Massillon, Ohio, the following:

\$ 2,943.27 FROM: "Transfer To" 1236.705.2710
TO: "Transfer In" 1235.705.1860

Section 3:

There be and hereby is transferred from the 2004 appropriation from within the House Trailer Fund to the Community Health Fund, of the City of Massillon, Ohio, the following:

\$ 2,468.33 FROM: "Transfer to" 1207.910.2710
TO: "Transfer In" 1235.705.1860

55

• • •

안

DATE: APRIL 5, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 79 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, and amending Section 181.03 "IMPOSITION OF TAX" by repealing subsection 181.03 (e) (13) and enacting a new subsection 181.03 (e) (13) and adding additional language to Section 181.03 (a) (1) of the Codified Ordinances of the City of Massillon to provide for the taxation of Lottery winnings.

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

Section 1:

That subsection 181.03 (e) (13) be and hereby is repealed in its entirety.

Section 2:

That there be and hereby is enacted a new subsection 181.03 (e) (13) which shall read as follows:

"181.03 (e) (13) Winnings from any sweepstakes, raffles, gaming and other winnings derived entirely by chance from non-profit organizations."

Section 3:

That subsection 181.03 (a) (1) is hereby amended by the addition of the following sentence to the end of the existing subsection:

"Other Compensation shall be defined to include all sums received from winning or sharing in the receipt of monies from the Ohio State Lottery, any other State Lottery, or Multi-State Lottery, to the extent that such monies are \$100,000.00 or more in a total lump sum, or in the event that the recipient elects to receive annual payments of the monies such annual payments shall be deemed to be Other Compensation and subject to the tax levied by this chapter."

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2000

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

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