

AGENDA

DATE: MONDAY, MAY 17, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN GLORIA AUTHEY
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. 89 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

125 **AN ORDINANCE** accepting the dedication of a 20 foot right-of-way on the north side of Indian River Road SW, and a 50 foot right-of-way with cul-de-sac, known as Treatment Drive, in the City of Massillon, Ohio, and declaring an emergency. *30?*

ORDINANCE NO. 90 – 2004

BY: ENVIRONMENTAL COMMITTEE

125 **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of a 20 foot wide sanitary sewer easement located on the Out Lots 899 and 901, and declaring an emergency.

ORDINANCE NO. 91 – 2004

BY: PUBLIC UTILITIES COMMITTEE

125 **AN ORDINANCE** to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of three and a half (3 1/2) years beginning on July 1, 2004, and declaring an emergency.

ORDINANCE NO. 92 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

125 **AN ORDINANCE** vacating a portion of a certain public alley. - *Penberthy Place*

ORDINANCE NO. 93 – 2004

BY: FINANCE COMMITTEE

125 Will receive at the time of the meeting. *AS - VLPT*

ORDINANCE NO. 94 – 2004

BY: FINANCE COMMITTEE

503P 9-0
9-0 **AN ORDDINANCE** making certain appropriations from the unappropriated balance of the FEMA Grant Fund, for the year ending December 31, 2004, and declaring an emergency.

ORDINANCE NO. 95 - 2004

BY: FINANCE COMMITTEE

5000
9-0
post 9-0
AN ORDINANCE making certain transfers in the 2004 appropriation from within the General Fund to the Senior Housing BR Fund, of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 11 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

June 12th meeting w/ CO.
1st
A RESOLUTION adopting the decision of the Tax Incentive review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreement with HydroThrift Corporation be terminated and the tax exemption rescinded in the City of Massillon, Ohio.

RESOLUTION NO. 12 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

5000
9-0
post 9-0
A RESOLUTION adopting the decision of the Tax Incentive review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreement with Massillon Stainless Inc. be terminated and the tax exemption rescinded in the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 13 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

5000
9-0
post 9-0
A RESOLUTION adopting the decision of the Tax Incentive review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

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

- A). POLICE CHIEF SUBMITS MONTHLY REPORT FOR APRIL 2004
- B). TREASURER SUBMITS MONTHLY REPORT FOR APRIL 2004
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR APRIL 2004.
- D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR APRIL 2004
- E). MAYOR SUBMITS MONTHLY REPORT FOR APRIL 2004
- F). WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR APRIL 2004

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

ORDINANCE NO. 87 - 2004

BY: PUBLIC UTILITIES COMMITTEE

2nd
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an extension of a no-drilling oil and gas lease agreement for a 1.24 acre parcel of land owned by the City, and declaring an emergency.

June 12th next Com Hydro Dine, I'm either speak
L.C.H. @ 5:30pm
• Check MAER Reg.
to have 49 Duncan
here to discuss
then will set up
• Tim Red. a day + pay
show for photo
III proposals.

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: MAY 17, 2004

CLERK: MARY BETH BAILEY

13

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 2004

passed 4/21

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the dedication of a 20 foot right-of-way on the north side of Indian River Road SW, and a 50 foot right-of-way with cul-de-sac, known as Treatment Drive, in the City of Massillon, Ohio and declaring an emergency.

WHEREAS, upon hearing, the Council hereby finds that there is good cause to accept the dedication of such a right-of-way and that it will be beneficial to the general interest of this community and that such right-of-way should be accepted.

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

Section 1:

Council hereby accepts the dedication of a 20 foot right-of-way of the north side of Indian River Road SW and a 50 foot right-of-way with cul-de-sac, known as Treatment Drive. The dedicated right-of-way is described by the dedication plat attached hereto as Exhibit "A".

Section 2:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and it is in the best interest of the citizens that the right-of-way be immediately dedicated without further delay. 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

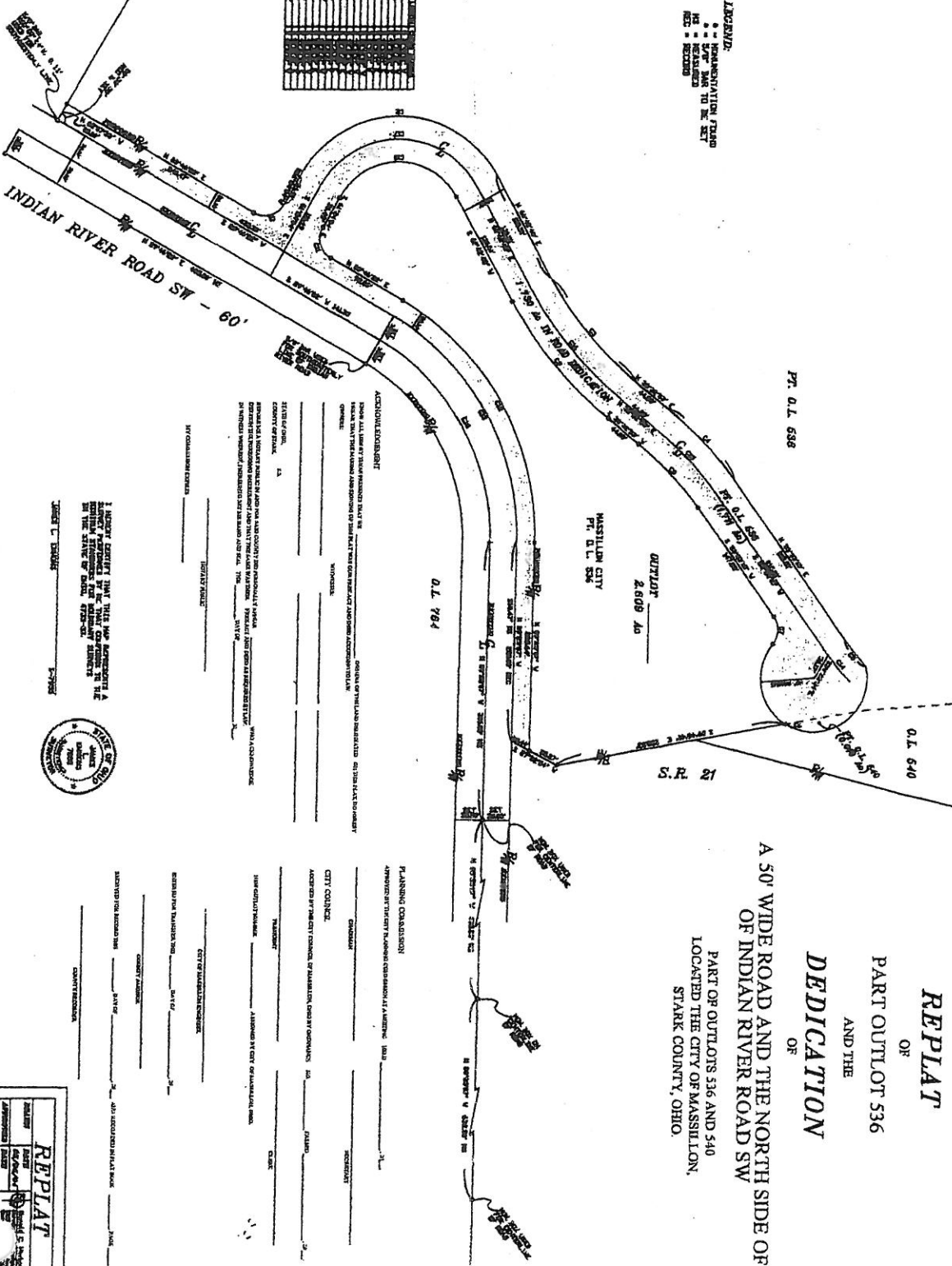
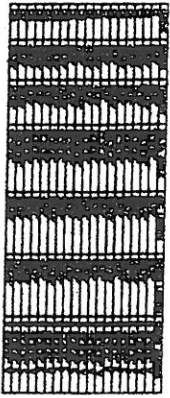
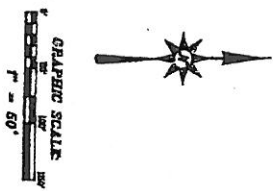
APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR

RECEIVED
MAY 10 2004

- PERTINENT DATA:
1. TAX MAP.
 2. RESECTION.
 3. S. R. 21.
 4. S. R. 21 & CHIEF STREET.
 5. RIGHT OF WAY PLANS.
 6. S. R. 21-14-42.
 7. S. R. 21-14-42.
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LEGEND:

- • • • • COMMUNICATION ROAD
- • • • • DIRT ROAD TO BE SET
- • • • • RAILROAD
- • • • • RAILROAD



PT. O.L. 638

OUTLOT
2.609 AC

S.R. 21

O.L. 640

REPLAT
OR
PART OUTLOT 536
AND THE
DEDICATION
OF
A 50' WIDE ROAD AND THE NORTH SIDE OF
OF INDIAN RIVER ROAD SW
PART OF OUTLOTS 536 AND 540
LOCATED THE CITY OF MASSILLON,
STARK COUNTY, OHIO.

ADDITIONAL EXHIBIT

THESE ALL HAVE BEEN REVIEWED BY THE CITY OF MASSILLON, OHIO, AND THE CITY OF MASSILLON, OHIO, HAS ACCEPTED THE SAME.

WITNESSES:

CITY OF MASSILLON, OHIO

CITY OF MASSILLON, OHIO

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CITY OF MASSILLON, OHIO

I HEREBY CERTIFY THAT THIS MAP REPRESENTS A
TRUE AND CORRECT COPY OF THE ORIGINAL MAP
FILED IN THE OFFICE OF THE CLERK OF THE COURT
OF STARK COUNTY, OHIO, ON MAY 10, 2004.



REPLAT			
OWNER	MASSILLON CITY	CLERK	MASSILLON CITY
APPROVED	MASSILLON CITY	CLERK	MASSILLON CITY
FILED	MASSILLON CITY	CLERK	MASSILLON CITY
DATE	MASSILLON CITY	CLERK	MASSILLON CITY
BY	MASSILLON CITY	CLERK	MASSILLON CITY

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

75 5/17/04
ORDINANCE NO. 90 - 2004

passed 6/7

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of a 20 foot wide sanitary sewer easement located on the Out Lots 899 and 901, 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, hereby finds that it is necessary to accept the dedication of a 20 foot wide sanitary sewer easement located on the Out Lots 899 and 901.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to accept the dedication of a 20 foot wide sanitary sewer easement located on the Out Lots 899 and 901.

Being known as Out Lots 899 and 901 located on the south side of Richville Drive SE. This is part of the University Village Condominiums. This request has been submitted by P.R.M.D.C. The property is zoned RM-1 Multiple Family Residential for Out Lot 899 and R-3 One Family Residential for Out Lot 901.

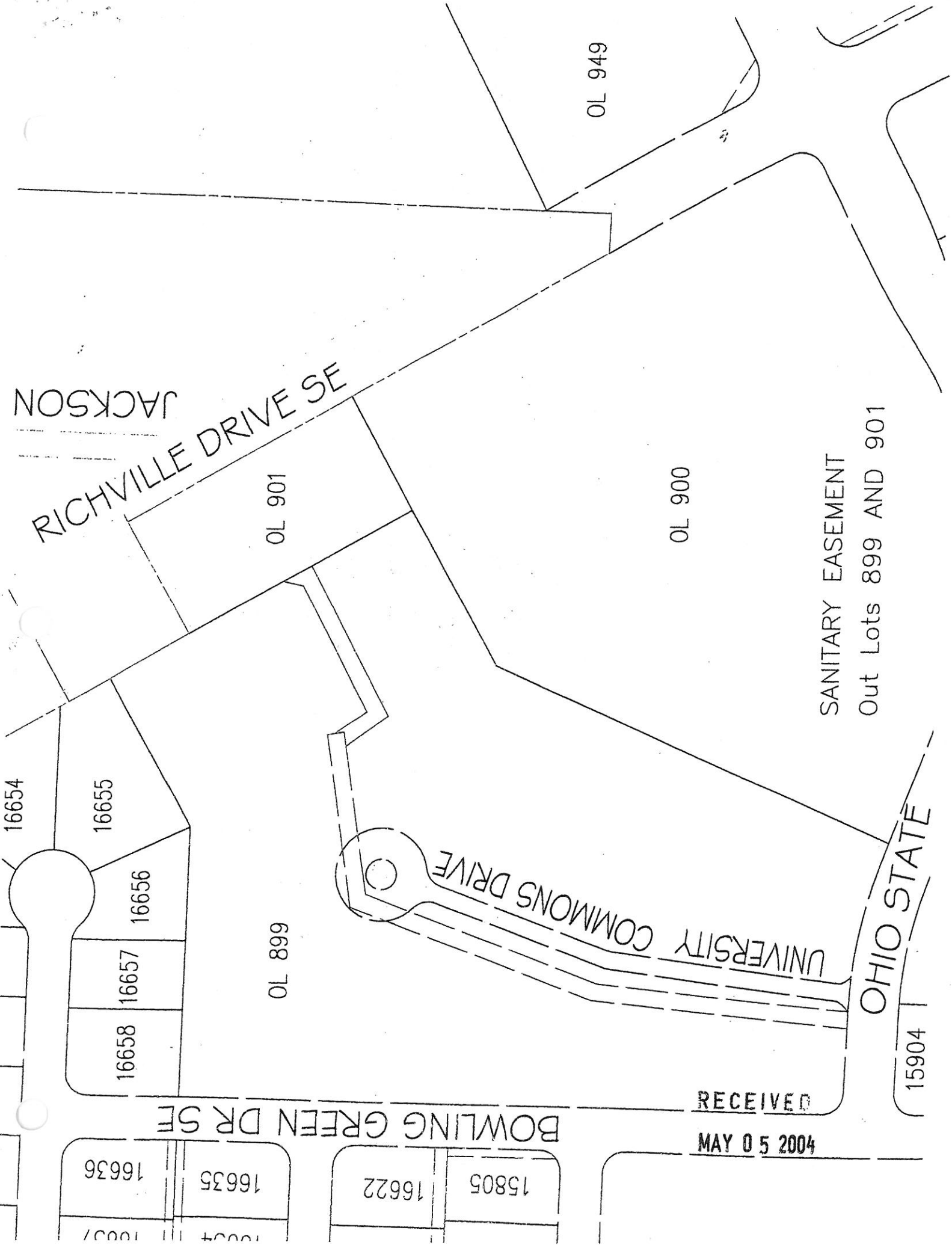
Section 3:

This Ordinance is hereby declared to be an emergency measure for the reason that this 20 foot wide sanitary sewer easement is to service both the Out Lots and provide for future development of the parcels. 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



JACKSON

RICHVILLE DRIVE SE

OL 901

OL 900

SANITARY EASEMENT

Out Lots 899 AND 901

OL 949

OL 899

UNIVERSITY COMMONS DRIVE

OHIO STATE

15904

16654

16655

16656

16657

16658

16636

16635

16622

15805

BOWLING GREEN DR SE

RECEIVED

MAY 05 2004

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 - 2004

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio for and during the term of three and a half (31/2) years beginning on July 1, 2004, and declaring an emergency.

WHEREAS, Aqua Ohio, Inc., its successors and assigns (hereinafter called the "Company") shall be bound to furnish such water as it shall hereafter furnish for public and private consumption within the City of Massillon, Ohio (hereinafter called the "City"), for and during the term of three and a half (31/2) years beginning July 1, 2004, upon the terms and conditions hereinafter set forth:

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

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

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

Section 1:

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

Section 2:

First Period. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge for water furnished during the period of July 1, 2004 through December 31, 2005 the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.29
For the next 10,000 cubic feet per month	\$2.57
For all over 15,000 cubic feet per month	\$1.44

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$8.91
3/4" meter	\$9.79
1" meter	\$12.47
1-1/2" meter	\$16.02
2" meter	\$25.83
3" meter	\$97.93
4" meter	\$124.64
6" meter	\$186.96

ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charged for a service connection during the Company's regular business hours.

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

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

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

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

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$9.72
1-1/2" hose connection	\$12.16
2" hose connection	\$15.22
2-1/2" hose connection	\$17.65
Private fire hydrants	\$36.97

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$30.28
4"	10,000 square feet or less	\$45.52
6"	20,000 square feet or less	\$63.70
Additional floor space	Per 1,000 square feet	\$1.78

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

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

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

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

DIVISION D
BULK WATER SALES

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

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

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

Section 3:

Second Period. In consideration of the above, the parties hereto agree that the Company, for services described, shall charge for water furnished during the period of January 1, 2006 through December 31, 2006, the following rates on all bills rendered:

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.44
For the next 10,000 cubic feet per month	\$2.69
For all over 15,000 cubic feet per month	\$1.51

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$9.33
3/4" meter	\$10.25
1" meter	\$13.06
1-1/2" meter	\$16.77
2" meter	\$27.04
3" meter	\$102.53
4" meter	\$130.50
6" meter	\$195.75

ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charge for a service connection during the Company's regular business hours.

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

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

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

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

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$10.18
1-1/2" hose connection	\$12.73
2" hose connection	\$15.94
2-1/2" hose connection	\$18.48
Private fire hydrants	\$38.71

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$31.70
4"	10,000 square feet or less	\$47.66
6"	20,000 square feet or less	\$66.69
Additional floor space	Per 1,000 square feet	\$1.86

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

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

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

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

DIVISION D
BULK WATER SALES

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

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

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

Section 4:

Third Period. In consideration of the above, the parties hereto agree that the Company, for the services described, shall charge the following rates for water furnished during the period of January 1, 2007 through December 31, 2007 and thereafter until new rates have been agreed upon between the Company and the City.

DIVISION A
MEASURED OR METERED SERVICE RATE SCHEDULE

MONTHLY CHARGE FOR WATER DELIVERED	
	Per 100 Cubic Ft.
For the first 5000 cubic feet or any part thereof per month	\$3.60
For the next 10,000 cubic feet per month	\$2.82
For all over 15,000 cubic feet per month	\$1.58

MONTHLY CHARGE BASED UPON METER SIZE	
Meter Size	Customer Charge Per Month
5/8" x 3/4" meter	\$9.77
3/4" meter	\$10.73
1" meter	\$13.67
1-1/2" meter	\$17.56
2" meter	\$28.31
3" meter	\$107.35
4" meter	\$136.63
6" meter	\$204.95

ACCOUNT ACTIVATION FEE: An account activation charge of Twenty Dollars (\$20.00) will be charged for a service connection during the Company's regular business hours.

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

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

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

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

DIVISION B
PRIVATE FIRE PROTECTION RATE SCHEDULE

HOSE CONNECTIONS AND HYDRANTS	
	<u>Per Month</u>
1-1/4" hose connection	\$10.66
1-1/2" hose connection	\$13.33
2" hose connection	\$16.69
2-1/2" hose connection	\$19.35
Private fire hydrants	\$40.53

AUTOMATIC SPRINKLERS		
<u>Size of Connection</u>	<u>Floor Space</u>	<u>Per Month</u>
2"	5,000 square feet or less	\$33.19
4"	10,000 square feet or less	\$49.90
6"	20,000 square feet or less	\$69.82
Additional floor space	Per 1,000 square feet	\$1.95

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

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

DIVISION C
PUBLIC FIRE PROTECTION SERVICE RATE

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

DIVISION D
BULK WATER SALES

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

DIVISION E
CUSTOMER IMPACT FEE

Prior to any new service connection to a water line operated by the Company, the customer shall pay a customer impact fee as follows:

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

Section 5:

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

If, following July 1, 2004, (a) the Company's rate of return on rate base (as determined in accordance with Ohio Revised Code Chapter 4909) for its Stark Regional Division falls one percentage point or more below any such return then in effect for any of the Company's districts established by the Ohio Public Utilities Commission and (b) events beyond the control of the Company have contributed to such lowered return, then the City and the Company shall renegotiate the rates set forth in Section 5 hereof. If renegotiated rates have not been reached within sixty (60) days after such negotiations are requested, the Company may apply to the Ohio Public Utilities Commission for a rate determination for its Stark Regional Division in the same manner as if the City had not set rates as provided in Ohio Revised Code Section 4909.35. For purposes hereof, increased Company personnel compensation costs shall not be deemed an event beyond the Company's control.

Section 6:

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

Section 7:

This contract and the rates herein provided for shall continue and be in force for a period of three and a half (3 1/2) years beginning on July 1, 2004 and until canceled by either the City or the Company upon sixty (60) days written notice.

Section 8:

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

Section 9:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community and for the additional reason that the Aqua Ohio, Inc. agreement with the City is about to expire and the new agreement with the revised rates needs to be in effect prior to July 1, 2004. 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: MAY 17, 2004

CLERK: MARY BETH BAILEY

107
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 92 - 2004

1st Reading
LEGISLATIVE DEPARTMENT

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

2nd Reading
Tabled 6/21/04
passed 7/6/04

TITLE: AN ORDINANCE vacating a portion of a certain public alley.

WHEREAS, there has been filed with this Council by the owners of all of the lots and lands bounding and abutting upon the alley hereinafter described, a petition requesting that a portion thereinafter described be vacated, and

WHEREAS, upon hearing, the Council hereby find that there is good cause for such vacation and that it will not be detrimental to the general interest of this community and that such vacation should be made.

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

Section 1:

Penberthy Place

A request to vacate a 12 foot wide alley lying between Lincoln Way East and Federal Avenue NE, and running in a north/south direction between 8th Street NE and 9th Street NE. The request is to vacate that portion approximately 110 feet to the north property lines of Lot No. 507. This vacation plat is on file in the City Engineer's Office and was approved by the City Planning Commission on March 10th, 2004. The said vacation is hereby approved, adopted and confirmed.

Section 2:

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: MAY 17, 2004

CLERK: MARY BETH BAILEY

105
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT
2nd Reading
Defeated 4-1

ORDINANCE NO. 93 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE imposing an additional municipal motor vehicle license fee pursuant to Section 4504.171 of the Ohio Revised Code.

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 imposes an additional municipal motor vehicle license fee pursuant to Section 4504.171 of the Ohio Revised Code upon the operation of motor vehicles on public roads and highways.

Section 2:

Said additional license fee shall be at the rate of Five Dollars (\$5.00) per motor vehicle on all motor vehicles located or registered as being located within the City of Massillon, Ohio.

Section 3:

This license fee is imposed for the purpose of paying the costs and expenses of enforcing said tax to supplement and provide additional revenue already available to the City of Massillon, Ohio, under Sections 4504.04, 4504.06, 4504.17 or 4504.171 of the Ohio Revised Code

Section 4:

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: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

500P 9-0
pass 9-0

ORDINANCE NO. 94 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the FEMA Grant 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 FEMA Grant Fund, for the year ending December 31, 2004, the following:

\$25,202.00 to an account entitled "FEMA Disaster Account" 1407.905.2510

Section 2:

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: MAY 17, 2004

CLERK: MARY BETH BAILEY

5020 90
Page 90
COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO.95 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2004 appropriation from within the General Fund to the Senior Housing BR 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 2004 appropriation from within the General Fund to the Senior Housing BR Fund, of the City of Massillon, Ohio, the following:

\$28,968.00 FROM: "Transfer – Debt Retirement" 1100.905.2712
TO "Transfer In" 1304.940.1860

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary to pay the Senior Housing Debt Interest due June 1, 2004 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

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR. MAYOR

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

1st June 1st meeting w/co.

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT
passed

RESOLUTION NO. 11 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION adopting the decision of the Tax Incentive Review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreement with HydroThrift Corporation be terminated and the tax exemption rescinded in the City of Massillon, Ohio.

WHEREAS, the Tax Incentive Review Committee recommended on March 24, 2004 that the Enterprise Zone Agreement with HydroThrift Corporation be terminated and the tax exemptions rescinded

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

Section 1:

The Council of the City of Massillon, Ohio, deems it proper to adopt the decision of the Tax Incentive Review Committee made on March 24, 2004 as Hydrothrift has failed to create the number of new jobs which they committed to created.

Section 2:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2003

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

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

DATE: MAY 17, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

5080 9-0
20 9-0
COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION adopting the decision of the Tax Incentive Review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreement with Massillon Stainless Inc. be terminated and the tax exemption rescinded in the City of Massillon, Ohio, and declaring an emergency.

WHEREAS, the Tax Incentive Review Committee recommended on March 24, 2004 that the Enterprise Zone Agreement with Massillon Stainless Inc. be terminated and the tax exemptions rescinded

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

Section 1:

The Council of the City of Massillon, Ohio, deems it proper to adopt the decision of the Tax Incentive Review Committee made on March 24, 2004 as Massillon Stainless Inc. has failed to create the number of new jobs which they committed to created.

Section 2:

This Resolution is declared to be an emergency measure in that the adoption of the decision of the Tax Incentive Review Committee is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

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: MAY 17, 2004

CLERK: MARY BETH BAILEY

303P 9-0

CITY OF MASSILLON, OHIO

9-0
COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 13 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: A RESOLUTION adopting the decision of the Tax Incentive Review Committee made on March 24, 2004 wherein they recommended that the Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

WHEREAS, the Tax Incentive Review Committee recommended on March 24, 2004 that the Enterprise Zone Agreements listed on the attached exhibit "A" be continued.

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

Section 1:

The Council of the City of Massillon, Ohio, deems it proper to adopt the decision of the Tax Incentive Review Committee made on March 24, 2004 continuing the Enterprise Zone Agreements listed on exhibit "A".

Section 2:

This Resolution is declared to be an emergency measure in that the adoption of the decision of the Tax Incentive Review Committee is essential for the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. Wherefore, this Resolution shall be in full force and effect immediately from and after passage and approval by the Mayor.

MASSILLON ENTERPRISE ZONE PROGRAM - TAX INCENTIVE REVIEW COMMITTEE MEETING 3/24/2004

COMPANY	SCHOOL DISTRICT	DATE OF AGREEMENT	INVESTMENT LEVELS	EMPLOYMENT LEVELS	COMMITTEE RECOMMENDATION
E-B ADVERTISING DISPLAY COMPANY, INC.	Tuslaw	5/1/1996	105%	100%	Continue Abatement
CANTON FABRICATORS, INC. DBA R.J. BREINING	Tuslaw	2/7/1997	137%	86%	Continue Abatement
OHIO DRILLING COMPANY	Tuslaw	9/11/2002	101%	100%	Continue Abatement
SEIFERT TECHNOLOGIES, INC.	Perry	4/12/1994	140%	87%	Continue Abatement
HARWICK CHEMICAL MFG. CORP. (POLYONE CORP.)	Perry	5/15/1998	88%	58%	Continue Abatement
STERILITE CORPORATION	Perry	9/30/1998	91%	200%	Continue Abatement
ZIEGLER TIRE AND SUPPLY CO.	Perry	5/10/1999	132%	122%	Continue Abatement
M.A. HANNA RESIN DISTRIBUTION (POLYONE)	Perry	11/4/1999	100%	92%	Continue Abatement
STERILITE CORPORATION	Perry	4/10/2000	105%	157%	Continue Abatement
INTERNATIONAL ENTERPRISES, INC.	Perry	5/9/2000	104%	90%	Continue Abatement
RAYCO MANUFACTURING, INC.	Perry	9/25/2000	81%	168%	Continue Abatement
ROBERT J. MATTHEWS CO.	Perry	2/21/2001	163%	102%	Continue Abatement
CROWN CORK & SEAL COMPANY	Perry	7/20/2001	115%	100%	Continue Abatement
CLOVERLEAF COLD STORAGE COMPANY	Perry	8/9/2001	72%	100%	Continue Abatement
INTERNATIONAL ENTERPRISES, INC.	Perry	8/20/2001	74%	77%	Continue Abatement
VASCO ASPHALT COMPANY	Perry	5/15/2002	109%	105%	Continue Abatement
KENDEL WELDING & FABRICATION	Perry	4/29/2003	0%	0%	Continue Abatement
CLOVERLEAF COLD STORAGE COMPANY	Perry	5/29/2003	138%	50%	Continue Abatement
UDSA FIELD SERVICE OFFICE	Perry	8/29/2003	0%	0%	Continue Abatement
E-B ADVERTISING DISPLAY CO, INC	Massillon	10/2/1991	123%	100%	Expired
WEIGHT WATCHERS FOOD CO.	Massillon	7/7/1992	95%	145%	Continue Abatement Last Year
PLASTIC FORMING CO.	Massillon	11/24/1992	73%	60%	Expiring
OMNI DIE CASTING	Massillon	8/5/1993	115%	73%	Continue Abatement
U.S. CHEMICAL & PLASTICS, INC.	Massillon	11/23/1993	128%	126%	Continue Abatement
E-B ADVERTISING DISPLAY CO, INC	Massillon	12/28/1993	102%	120%	Expiring

MASSILLON ENTERPRISE ZONE PROGRAM - TAX INCENTIVE REVIEW COMMITTEE MEETING 3/24/2004

COMPANY	SCHOOL DISTRICT	DATE OF AGREEMENT	INVESTMENT LEVELS	EMPLOYMENT LEVELS	COMMITTEE RECOMMENDATION
A.R.E., INC.	Massillon	6/28/1994	125%	148%	Continue Abatement
ALLEGHENY LUDLUM CORPORATION	Massillon	6/28/1994	101%	0%	Continue Abatement
WEIGHT WATCHERS FOOD CO.	Massillon	10/23/1995	111%	28%	Continue Abatement w/letter re: Employment
BRINK'S INCORPORATED	Massillon	10/25/1995	126%	188%	Continue Abatement
ALFRED NICKLES BAKERY, INC.	Massillon	2/7/1997	98%	88%	Continue Abatement
MIDWEST FLOORING & LINING, INC.	Massillon	4/18/1997	123%	144%	Continue Abatement
REPUBLIC ENGINEERED STEEL, INC.	Massillon	8/6/1997	110%	86%	Continue Abatement
ALFRED NICKLES BAKERY & RYDER TRUCK RENTAL	Massillon	8/11/1998	118%	71%	Continue Abatement
NFMWELDING ENGINEERS, INC.	Massillon	8/17/1998	103%	73%	Continue Abatement
HEINZ FROZEN FOOD CO.	Massillon	5/19/1999	109%	102%	Continue Abatement
R AND D INCORPORATED	Massillon	8/17/1999	104%	81%	Continue Abatement
HERCULES ENGINE COMPONENTS LLC	Massillon	2/11/2000	161%	100%	Continue Abatement
CONTROLLED POWER CORPORATION OF OHIO	Massillon	8/9/2000	92%	80%	Continue Abatement
ECODYNE MRM, INC.	Massillon	1/3/2001	126%	95%	Continue Abatement
FAME BEVERAGE COMPANY	Massillon	5/9/2002	104%	132%	Continue Abatement
RING MASTERS	Massillon	10/20/2003	125%	106%	Continue Abatement