

AGENDA

DATE: TUESDAY, JULY 6, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE TWO PUBLIC HEARINGS TONIGHT
ORDINANCE NO. 96 – 2004 AT 6:30PM – REZONING
2005 BUDGET PUBLIC HEARING AT 7:00PM

1. ROLL CALL
2. INVOCATION BY COUNCILMAN GLENN GAMBER
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

move ORD 96 - 2004 to 1st item

ORDINANCE NO. 113 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Susp 9-0
Pass 6-3
per Mayor
MAY 9*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2003 Target Neighborhood Street Program Improvements in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 114 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Susp 9-0
Pass 9-0*
AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with E-Tank Ltd., providing for the adoption of a project that will construct a facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

ORDINANCE NO. 115 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

12
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement amending the promissory note previously entered into between the City of Massillon and DOWNTOWN MASSILLON HOTEL, LTD.

ORDINANCE NO. 116 – 2004

BY: PUBLIC UTILITIES COMMITTEE

131
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of the sanitary, storm and electric utility easement for the 2.3 acre parcel of land in front of the Wastewater Treatment Plant, and declaring an emergency.

ORDINANCE NO. 117 – 2004

BY: PUBLIC UTILITIES COMMITTEE

12
AN emergency ordinance authorizing all actions necessary to effect Governmental natural gas aggregation program with opt-out Provisions pursuant to Section 4929.26 of the Ohio Revised Code, directing the Stark County Board of Elections to submit a ballot question to the electors of the City of Massillon.

ORDINANCE NO. 118 – 2004

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

*5080
9-0
15
9*
AN ORDINANCE to amend Sections 549.01 (c) 549.02 and 549.04 to comply with current state law, and declaring an emergency.

ORDINANCE NO. 119 – 2004

BY: FINANCE COMMITTEE

*5020
9-0
Pass
9-0*
AN ORDINANCE making certain transfers in the 2004 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 120 – 2004

BY: FINANCE COMMITTEE

120
AN ORDINANCE making certain appropriations from the unappropriated balance of the Community Development Block Grant Program Fund, for the year ending December 31, 2004, and declaring an emergency.

RESOLUTION NO. 20 – 2004

BY: FINANCE COMMITTEE

*5030
9-0
Pass
9-0*
A RESOLUTION for the proposed budget for the fiscal year 2005.

~~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 JUNE 2004~~

~~B). AUDITOR SUBMITS MONTHLY REPORT FOR JUNE 2004~~

~~11. REPORTS OF COMMITTEES~~ *July 12, 2004 @ 5:30pm Long mty.*

~~12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER~~

~~13. CALL OF THE CALENDAR~~

ORDINANCE NO. 92 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

*Pass
8-1
Camber*
AN ORDINANCE vacating a portion of a certain public alley.

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 96 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

*Defeated
0-9*
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 One Family Residential to R-T Two Family Residential.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 103 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

2ND
P.H. 7-19-04 @ 7:15pm
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to B-1 Local Business. .

ORDINANCE NO. 109 – 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

505P
9-0
POSD
9-0
PA 9-20-04
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to remove two existing traffic signal lights at two separate intersections on the northwest side of the City of Massillon, Ohio, and declaring an emergency.

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: JULY 6, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Issued
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 113 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the 2003 Target Neighborhood Street Program Improvements in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of control, with the lowest and best bidder for the 2003 Target Neighborhood Street Program in the City of Massillon.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the 2003 Target Neighborhood Street Program in the City of Massillon.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary that bids be received so that work may be completed on the 2003 Target Neighborhood street 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 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: JULY 6, 2004

CLERK: MARY BETH BAILEY

505P 9-0

9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor to enter into an agreement with E-Tank Ltd., providing for the adoption of a project that will construct a facility and create employment opportunities within the City of Massillon Enterprise Zone, and declaring an emergency.

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

WHEREAS, E-Tank Ltd., is proposing to construct a new 7,900 square foot facility located on a 4 acre site in NeoCom I., within the Massillon Enterprise Zone, at a total combined investment of Six Hundred Fifty Thousand Dollars (\$650,000.), (hereinafter the "Project"), provided that the appropriate development incentives are available to support the economic viability of said Project; and

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

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

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

WHEREAS, E-Tank Ltd., 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 E-Tank Ltd., and has recommended approval of the same to the Council on the basis that the company is qualified by financial responsibility and business experience to create employment opportunities in said Enterprise Zone and to improve the economic climate of the City of Massillon; and

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

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

Section 1:

The Council of the City of Massillon, Ohio does hereby authorize and direct the Mayor to enter into an agreement, attached hereto as Exhibit "A" and incorporated herein by reference, with E-Tank Ltd., providing for the adoption of a project which will construct a new 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 it is necessary to be immediately adopted so that construction may be commenced on the project and for the further reason that approval of said agreement is necessary so as to maximize the investment that will be made by E-Tank Ltd., 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: JULY 6, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement amending the promissory note previously entered into between the City of Massillon and DOWNTOWN MASSILLON HOTEL, LTD.

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, determines it necessary to enter into an amendment to the promissory note owed by DOWNTOWN MASSILLON HOTEL, LTD.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is authorized to enter into the amended promissory note, copy which is attached as exhibit "A".

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

ATTEST:

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

APPROVED:

FRANCIS H. CICCHINELLI, JR., MAYOR

1st reading
2nd reading 7/19
Filed to 9/17
Filed 9/20
Filed 10/4
Filed 11/1
Filed 1/10/05
Filed Feb 22
Filed 3/7
Filed 4/05
Filed July 6/6/05

Exhibit "A"

FIRST AMENDMENT TO PROMISSORY NOTE

This First Amendment to Promissory Note is made the ____ day of _____, 2004, between **DOWNTOWN MASSILLON HOTEL, LTD.** an Ohio limited liability corporation ("Borrower") and the **CITY OF MASSILLON, OHIO** ("Lender").

WHEREAS, Borrower and Lender entered into a Promissory Note dated October 20, 1999, and;

WHEREAS, Borrower and Lender entered into a Mortgage dated October 20, 1999, and;

WHEREAS, Borrower and Lender desire to clarify certain language and definitions contained in the Promissory Note and desire to acknowledge Borrower's need to establish an operating cash reserve to promote the successful operation of the Hotel.

NOW THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration receipt of which is mutually acknowledged, Borrower and Lender agree as follows.

The third sentence in the third paragraph of the Promissory Note "Borrower shall not be deemed to be in default hereunder for failure to make monthly payments hereunder provided it pay to Lender, on a monthly basis, in lieu of the scheduled payment, all available Operating Cash Flow after payment of the First Mortgage debt service as defined in the Mortgage, up to the amount of the scheduled monthly payment which would have otherwise been due hereunder" shall be deleted and replaced with the following:

"Borrower shall not be deemed to be in default hereunder for failure to make monthly payments hereunder provided it pay to Lender, on a monthly basis, in lieu of the scheduled payment, all Available Operating Cash Flow in excess of an operating cash reserve \$100,000 (One Hundred Thousand and 00/100 Dollars) up to the amount of the scheduled monthly payment plus the outstanding amount of any previously scheduled monthly payments. Available Operating Cash Flow shall be calculated on a GAAP basis as Net Operating Income adjusted for changes in working capital, less other operating expenses not included in Net Operating Income, less interest payments, less principal payments on the First Mortgage and any Hotel

related capital leases, less Hotel related capital expenditures plus other income not included in Net Operating Income."

IN WITNESS WHEREOF, Borrower and Lender has caused this First Amendment to Promissory Note to be executed and delivered as of the day and year first written above.

WITNESSES TO THE BORROWER

DOWNTOWN MASSILLON HOTEL, LTD

By: _____

WITNESSES TO THE CITY

CITY OF MASSILLON, OHIO

By: _____

DATE: JULY 6, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 116 - 2004

1st Reading
LEGISLATIVE DEPARTMENT

2nd Reading 7/19

passed 8/2

BY: PUBLIC UTILITIES COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of the sanitary, storm and electric utility easement for the 2.3 acre parcel of land in front of the Wastewater Treatment Plant, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, hereby finds that it is necessary to accept the dedication of the sanitary, storm and electric utility easement located on the 2.3 acre parcel of land the City intends to sell in front of the Wastewater Treatment Plant.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to accept the dedication of a sanitary, storm and electric utility easement located on the 2.3 acre parcel of land the City intends to sell in front of the Wastewater Treatment Plant.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that the dedication of the sanitary, storm and electric utility easement will make the sale of this property more appealing for future development. 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: JULY 6, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS
135

LEGISLATIVE DEPARTMENT
1st Reading
2nd Reading 7/19
Filed July 8/2

ORDINANCE NO. 117 - 2004

BY: PUBLIC UTILITIES COMMITTEE

TITLE: An emergency ordinance authorizing all actions necessary to effect Governmental natural gas aggregation program with opt-out Provisions pursuant to section 4929.26 of the Ohio revised code, directing the Stark County Board of Elections to submit a ballot question to the electors of the City of Massillon.

WHEREAS, the Ohio Legislature has enacted natural gas deregulation legislation ("Am. Sub. House Bill No. 9") which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate the retail natural gas loads located in their respective jurisdictions and to enter into service agreements to facilitate for those loads the purchase and sale of natural gas; and

WHEREAS, such legislative authorities may exercise such authority jointly with any other legislative authorities; and

WHEREAS, governmental aggregation provides an opportunity for residential and small business customers collectively to participate in the potential benefits of natural gas deregulation through lower natural gas rates which they would not otherwise be able to have individually; and

WHEREAS, the Massillon City Council seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26 of the Ohio Revised Code (the "Aggregation Program"), for the residents, businesses and other natural gas consumers in the City of Massillon and in conjunction jointly with any other municipal corporation, township, county or other political subdivision of the State of Ohio, as permitted by law

NOW, THEREFORE, be it ordained by the Council of the City of Massillon, State of Ohio:

Section 1:

Massillon City Council finds and determines that it is in the best interest of the City of Massillon, its residents, businesses and other natural gas consumers located within the corporate limits of the City to establish the Aggregation Program in the City of Massillon, provided that this Ordinance and the Aggregation Program is approved by the electors of the City of Massillon pursuant to Section Two of this Ordinance. The City of Massillon is authorized to aggregate in accordance with Section 4929.26 of the Ohio Revised Code the retail natural gas loads located within the City, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas. The City may exercise such authority jointly with any other municipal corporation, township or county or other political subdivision of the State of Ohio to the full extent permitted by law. The aggregation will occur automatically for each person owning, occupying, controlling, or using any natural gas load center proposed to be aggregated and will provide for the opt-out rights described in Section Three of this Ordinance

Section 2:

The Board of Elections of Stark County is directed to submit the following question to the electors of the City of Massillon at the election on November 2, 2004:

"Shall the City of Massillon have the authority on behalf of residential and other eligible customers to aggregate the retail natural gas purchases arising in the City, and for that purpose, enter into service agreements to facilitate for those purchases the sale and purchase of natural gas, such aggregation to occur automatically except where any person elects to opt out?"

The Clerk of Council is instructed to immediately file a certified copy of this Ordinance and the proposed form of the ballot question with the Stark County Board of Elections not less than seventy-five (75) days prior to November 2, 2004. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Ordinance and the Aggregation Program provided for herein at the election held pursuant to Section Two and Section 4929.26 of the Ohio Revised Code.

Section 3:

Upon the approval of a majority of the electors voting at the special election identified in Section Two of this Ordinance, this Council individually or jointly with any other political subdivision, shall develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Council shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the City. The notice shall summarize the plan and state the date, time and location of each hearing. No plan adopted by Council shall aggregate the natural gas load of any gas load center within the City unless it in advance clearly discloses to the person owning, occupying, controlling, or using the load center that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt out of the program every two years, without paying a switching fee. Any such person that opts out of the Aggregation Program pursuant to the stated procedure will be supplied by the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

Section 4:

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

Section 5:

This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Massillon, and provided it receives the two-thirds vote of all members of Council elected hereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect 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: JULY 6, 2004

CLERK: MARY BETH BAILEY

50509-0
2004 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 118 - 2004

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE TO AMEND SECTIONS 549.01(c), 549.02 AND 549.04 TO COMPLY WITH CURRENT STATE LAW, AND DECLARING AN EMERGENCY.

WHEREAS, the State General Assembly by House Bill 12 has adopted new statutory provisions pertaining to carrying concealed handguns effective April 8, 2004:

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with general State law if they are an exercise of the Municipality's police powers;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE

SECTION 1: That Section 549.01(c) of the General Offenses Code is hereby amended to read as follows:

- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.

SECTION 2: That Section 549.02 is hereby amended to read as follows:

549.02 CARRYING CONCEALED WEAPONS.

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

- (1) A deadly weapon other than a handgun;
- (2) A handgun other than a dangerous ordnance;
- (3) A dangerous ordnance.

(b) No person who has been issued a license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, who is stopped for a law enforcement purpose, and who is carrying a concealed handgun shall fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun.

- (c) (1) This section does not apply to officers, agents, or employees of this or any other state or the United States, or to law enforcement officers, authorized to carry concealed weapons or dangerous ordnance, and acting within the scope of their duties.

(2) Subsection (a)(2) of this section does not apply to any of the following:

- A. An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, who is authorized to carry a handgun and acting within the scope of the officer's, agent's or employee's duties;
- B. A person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.

(d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.
- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (4) The weapon was being transported in a motor vehicle for any lawful purpose, was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 549.04(b).

(e) It is an affirmative defense to a charge under subsection (a) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the actor, prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by Section 549.04(a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(f) No person who is charged with a violation of this section shall be required to obtain a license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

- (g) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsection (g)(2) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsection (g)(2) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsection (g)(2) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.
- (2) If a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid license or temporary emergency license issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any of those types of license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:
- A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 - 1. Within ten days after the arrest, the offender presents a license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 - 1. The offender previously had been issued a license to carry a concealed handgun under Ohio R.C. 2923.125 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity

agreement under Ohio R.C. 109.69, and that was similar in nature to a license issued under Ohio R.C. 2923.125 and that license expired within the two years immediately preceding the arrest.

arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. If neither subsection (g)(2)A. nor B. of this section applies, the offender shall be punished under subsection (g)(1) of this section.
- (3) Carrying concealed weapons in violation of subsection (b) of this section is a misdemeanor of the fourth degree.

(h) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

(ORC 2923.12)

SECTION 3. That Section 549.04 is hereby amended to read as follows:

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(b) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(c) No person who has been issued a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 shall do any of the following:

- (1) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle.

- (2) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless, regarding a failure to remain in the motor vehicle or to keep the person's hands in plain sight, the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (d) (1) This section does not apply to officers, agents or employees of this or any other state or the United States, or to law enforcement officers, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of their duties.
- (2) Subsections (a) and (b) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:
 - A. The person transporting or possessing the handgun is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.
 - B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - C. Either the handgun is in a holster and in plain sight on the person's person or the handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is in plain sight and that is locked.
- (e) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) or (b) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) or (b) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (f) No person who is charged with a violation of subsection (a) or (b) shall be required to obtain a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

(g) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (b) of this section is a misdemeanor of the fourth degree. A violation of subsection (c)(1) of this section is a misdemeanor of the fourth degree. A violation of subsection (c)(2) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (c)(2) of this section, a felony and shall be prosecuted under appropriate State law. A violation of subsection (a) of this section is whichever of the following is applicable:

- (1) If, at the time of the transportation or possession in violation of subsection (a) of this section, the offender was carrying a valid license to carry a concealed handgun issued to the offender under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69 and the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, a felony and shall be prosecuted under appropriate State law.
 - (2) If subsection (g)(1) of this section does not apply, a felony and shall be prosecuted under appropriate State law.
- (h) As used in this section:
- (1) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
 - (2) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
(ORC 2923.16)

SECTION 4: That former Sections 549.01(c), 549.02 and 549.04 are hereby repealed.

SECTION 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity to amend Chapter 549 of the General Offenses Code in order that the Municipality's ordinances be in compliance with current State 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: JULY 6, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 119 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a certain transfers in the 2004 appropriation from within the General 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 of the City of Massillon, Ohio, the following:

\$ 35,000.00 FROM: "Bailiff Salary" 1100.135.2111
TO: "Police Salary" 1100.305.2110

\$ 4,700.00 FROM: "Bailiff PERS" 1100.135.2230
TO: "Police Salary" 1100.305.2110

\$ 31,000.00 FROM: "Court Staff Salary" 1100.125.2111
TO: "Fire Salary" 1100.325.2110

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the police department in the City of Massillon, Ohio, 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 D. HARWIG, PRESIDENT

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

DATE: JULY 6, 2004

CLERK: MARY BETH BAILEY

15

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 120 - 2004

2nd reading 7/19
Filed July 8/2

BY: FINANCE COMMITTEE

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

\$102,431.55 to an account entitled "Sec. 108 Loan Program" 1203.845.2811

Section 2:

This Ordinance is hereby declared to be an emergency measure, as the payment must be made by July 22, 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

ATTEST: _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: JULY 6, 2004

CLERK: MARY BETH BAILEY

5030 9-0

9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 20 - 2004

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION for the proposed budget for the fiscal year 2005.

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

Section 1:

(SEE ATTACHED PROPOSED BUDGET)

PASSED THIS _____ DAY OF _____, 2004

ATTEST _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

FUND	ESTIMATED UNENCUMBERED FUND BALANCE 1/1/2005	REAL ESTATE PROPERTY TAX	PERSONAL PROPERTY TAX	LOCAL GOVERNMENT ALLOCATIONS	ROLLBACK/HOMES AND PERSONAL PROPERTY TAX EXEMPTION	OTHER SOURCES TOTAL	TOTAL
GENERAL FUND							
GENERAL FUND	41,135.79	1,089,329.00	225,000.00	1,580,000.00		11,805,000.00	14,740,464.79
SPECIAL REVENUE FUNDS							
STREET CONST	25,700.00					1,288,407.00	1,314,107.00
STATE HWY IMP	2,000.00					80,200.00	82,200.00
CEMETERY	0.00						0.00
PARKS AND REC	59,000.00					1,869,744.00	1,928,744.00
FEDERAL GRANT	64,975.00					1,104,000.00	1,168,975.00
STATE GRANT							0.00
LAW ENFORCE TR	779,095.70	105,900.00	20,000.00		14,200.00	594,600.00	1,513,795.70
DRUG LAW ENFORCE	448,500.00					158,500.00	607,000.00
OTHER SP. REV.	195,272.27	105,900.00	20,000.00		14,200.00	988,000.00	1,323,372.27
TOTAL SP. REV. FDS	1,574,542.97	211,800.00	40,000.00	0.00	28,400.00	6,083,451.00	7,938,193.97
DEBT SERVICE							
GENERAL OBLIGA	445,983.00					1,412,500.00	1,858,483.00
OTHER	3,000.00					0.00	3,000.00
TOTAL DEBT SERV	448,983.00		0.00	0.00	0.00	1,412,500.00	1,861,483.00
CAPITAL PROJECT FDS							
CONSTRUCTION FUND	585,277.26					1,892,200.00	2,477,477.26
FEDERAL GR FDS							0.00
OTHER CAP PROJ FDS	443,000.00					485,000.00	928,000.00
TOTAL CAP PROJECT	1,028,277.26		0.00	0.00	0.00	2,377,200.00	3,405,477.26
SPECIAL ASSESS FDS							
SPECIAL ASSESS FDS	8,300.00	33,250.00					41,550.00
TOTAL SP ASS FUNDS	8,300.00	33,250.00	0.00	0.00	0.00	0.00	41,550.00

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES

FUND	ESTIMATED UNENCUMBERED FUND BALANCE 4/1/2005	REAL ESTATE PROPERTY TAX	PERSONAL PROPERTY TAX	LOCAL GOVERNMENT ALLOCATIONS	ROLLBACK/HOMES AN PERSONAL PROPERTY TAX EXEMPTION	OTHER SOURCES TOTAL	TOTAL
ENTERPRISE FUNDS							
WATER FUND							
SANITARY SEWER FD	640,000.00					4,500,000.00	5,140,000.00
ELEC. FUND							
PARK FUND							
SWIMMING POOL FUND							
FIRST MTGE DEBT							
DEBT SERV FUND	3,042,184.00					1,556,000.00	4,598,184.00
UTILITY IMP FD							
OTHER ENTERPRISE							
SOLID WASTE	308,700.00					968,000.00	1,276,700.00
GOLF COURSE	7,000.00					770,000.00	777,000.00
TOTAL ENTERPRISE FD	3,997,884.00	0.00	0.00	0.00	0.00	7,794,000.00	11,791,884.00
INTERNAL SERVICE							
INTERNAL SERVICE	166,000.00					2,005,000.00	2,171,000.00
TOTAL INTERNAL SER	166,000.00	0.00	0.00	0.00	0.00	2,005,000.00	2,171,000.00
TRUST & AGENCY FDS							
AGENCY FDS	55,355.00	325,300.00				361,000.00	741,655.00
TOTAL TRUST & AGENCY	55,355.00	325,300.00	0.00	0.00	0.00	361,000.00	741,655.00
TOTAL ESTIMATED RESOURCES	7,320,478.02	1,659,679.00	265,000.00	1,580,000.00	28,400.00	31,838,151.00	42,691,708.02

FUND NAME: GENERAL FUND
 FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL EXHIBIT 1

DESCRIPTION	FOR 2002 ACTUAL	FOR 2003 ACTUAL	CURRENT YR EST FOR 2004	BUDGET YR EST. FOR 2005
REVENUE				
LOCAL TAXES				
GEN PROP RE TAX	903,059.73	929,363.70	1,008,638.20	1,089,329.00
TANG PERS PROP TX	195,924.53	204,519.94	223,851.00	225,000.00
MUNI INC TAX	9,518,589.76	9,671,144.34	9,700,000.00	9,300,000.00
OTHER LOCAL TAX	605.86	4,099.35	30,000.00	30,000.00
TOTAL TAXES	10,618,179.88	10,809,127.33	10,962,489.20	10,644,329.00
INTERGOV. REV.				
STATE SHARED				
LOCAL GOV	1,347,973.57	1,311,247.94	1,449,820.10	1,580,000.00
ESTATE TAX	153,515.04	1,033,879.51	100,000.00	50,000.00
CIGARETTE TAX	1,334.31	1,198.37	1,500.00	1,500.00
LICENSE TAX				
PUBLIC UTILITY		10,224.00	10,000.00	10,200.00
LIB AND LOC GOV				
PROP TAX ALLOC 10% + MANU	126,827.81	123,418.93	155,759.80	125,000.00
OTHER STATE SHAR. LIQ/PPSTATE	51,495.27	37,671.24	55,000.00	55,000.00
TOTAL STATE SHARED	1,681,146.00	2,517,639.99	1,772,079.90	1,821,700.00
FED GRANTS OR AID	15,000.00	50,355.00	133,341.00	50,300.00
STATE GRANTS OR AID	51,174.00	84,725.41	42,474.00	43,000.00
OTHER GRANTS OR AID	3,816.42	11,255.00	9,500.00	10,000.00
TOTAL INTERGOV.	69,990.42	146,335.41	185,315.00	103,300.00
SPECIAL ASSESS.				
CHARGES FOR SERV Dist. Share	356,492.74	350,731.98	340,291.00	350,000.00
FEES LICENSE PERMIT Fines, etc.	1,425,644.63	1,361,545.20	1,385,171.00	1,425,000.00
MISCELLANEOUS	309,100.89	232,803.68	259,000.00	260,000.00
OTHER FINANCING SOURCES:				
PROC. FROM SALE OF DBT				
TRANSFERS	0.00			
ADVANCES		205,000.00	5,000.00	5,000.00
OTHER Interest	521,770.72	98,900.98		90,000.00
TOTAL REVENUE	14,982,325.28	15,722,084.57	14,909,346.10	14,699,329.00

FUND NAME: GENERAL FUND

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

EXHIBIT 1

DESCRIPTION	FOR 2002 ACTUAL	FOR 2003 ACTUAL	CURRENT YR EST FOR 2004	BUDGET YR EST. FOR 2005
EXPENDITURES:				
SECURITY OF PERSONS AND PROPERTY				
PERSONAL SERVICES	6,582,173.89	6,432,458.60	5,931,045.82	7,300,830.00
TRAVEL TRANSPORTATION	14,135.49	21,352.97	18,083.58	22,000.00
CONTRACTUAL SERVICES	386,769.75	457,861.47	394,994.84	331,981.00
SUPPLIES AND MATERIALS	138,513.54	139,314.73	208,578.65	182,395.00
CAPITAL OUTLAY	24,201.48	20,475.20	27,828.00	22,500.00
TOTAL SEC. OF PERSONS AND PROP	7,145,794.15	7,071,462.97	6,580,530.89	7,859,706.00
PUBLIC HEALTH SERVICES				
PERSONAL SERVICES	358,089.84	414,202.00	407,038.00	418,246.00
TRAVEL TRANSPORTATION	698.27	118.53	200.00	100.00
CONTRACTUAL SERVICES	100,518.38	44,244.52	76,360.45	63,062.00
SUPPLIES AND MATERIALS	5,849.74	8,295.43	6,830.58	17,000.00
CAPITAL OUTLAY				
TOTAL PUBLIC HEALTH SERVICES	465,156.23	466,860.48	490,429.03	498,408.00
LEISURE TIME ACTIVITIES				
PERSONAL SERVICES				
TRAVEL TRANSPORTATION				
CONTRACTUAL SERVICES				
SUPPLIES AND MATERIALS				
CAPITAL OUTLAY				
TOTAL LEISURE TIME ACTIVITIES				
COMMUNITY ENVIRONMENT				
PERSONAL SERVICES				
TRAVEL TRANSPORTATION				
CONTRACTUAL SERVICES				
SUPPLIES AND MATERIALS				
CAPITAL OUTLAY				
TOTAL COMMUNITY ENVIRONMENT	-			
BASIC UTILITY SERVICES				
PERSONAL SERVICES				
TRAVEL TRANSPORTATION				
CONTRACTUAL SERVICES				
SUPPLIES AND MATERIALS				
CAPITAL OUTLAY				
TOTAL BASIC UTILITY SERVICES				

1:

FUND NAME: GENERAL FUND

FUND TYPE/CLASSIFICATION: GOVERNMENTAL - GENERAL

EXHIBIT 1

DESCRIPTION	FOR 2002 ACTUAL	FOR 2003 ACTUAL	CURRENT YR EST FOR 2004	BUDGET YR EST. FOR 2005
TRANSPORTATION				
PERSONAL SERVICES	554,817.97	566,130.35	465,115.00	518,204.00
TRAVEL TRANSPORTATION	0.00	65.00	0.00	3,000.00
CONTRACTUAL SERVICES	169,859.77	31,209.46	18,170.00	25,000.00
SUPPLIES AND MATERIALS	114,495.16	80,928.61	44,364.80	158,000.00
CAPITAL OUTLAY				
TOTAL TRANSPORTATION	839,172.90	678,333.42	527,649.80	704,204.00
GENERAL GOVERNMENT				
PERSONAL SERVICES	3,937,746.77	4,121,573.34	4,273,508.32	4,239,796.00
TRAVEL TRANSPORTATION	13,318.08	17,798.84	23,109.28	25,750.00
CONTRACTUAL SERVICES	693,303.87	700,898.95	757,954.01	767,695.00
SUPPLIES AND MATERIALS	152,688.58	150,651.84	166,222.72	198,850.00
CAPITAL OUTLAY	3,813.56			0.00
TOTAL GENERAL GOVERNMENT	4,800,870.86	4,990,922.97	5,220,794.33	5,232,091.00
DEBT SERVICE				
REDEMPTION OF PRINCIPAL				
INTEREST				
OTHER DEBT SERVICE				
TOTAL DEBT SERVICE				
OTHER USES OF FUNDS				
TRANSFERS	1,125,300.00	1,558,015.27	1,468,700.00	1,963,929.00
ADVANCES	75,000.00	205,000.00	0.00	0.00
CONTIGENCIES				0.00
OTHER USES OF FUNDS	669,404.60	791,292.33	918,355.68	1,105,050.00
TOTAL OTHER USES OF FUNDS	1,869,704.60	2,554,307.60	2,387,055.68	3,068,979.00
TOTAL EXPENDITURES	15,120,698.74	15,761,887.44	15,206,459.73	17,363,388.00
REVENUES OVER/UNDER EXPEDITURES	(138,373.46)	(39,802.87)	(297,113.63)	(2,664,059.00)
BEGINNING UNENCUMBERED BALANCE	400,027.97	390,425.67	463,249.42	41,135.79
ENDING CASH FUND BALANCE	611,330.68	571,527.81	166,135.79	(2,622,923.21)
EST. ENCUMB. (OUTSTAND. AT YR END)	220,905.01	108,278.39	125,000.00	250,000.00
EST. ENDING UNEN FUND BALANCE	390,425.67	463,249.42	41,135.79	(2,872,923.21)

FUND NAME:

POLICE PENSION FUND 1209

EXHIBIT II

FUND TYPE/CLASSIFICATION : GOVERNMENTAL/SPECIAL REVENUE

DESCRIPTION	FOR 2002 ACTUAL	FOR 2003 ACTUAL	ESTIMATED 2004	BUDGET YEAR ESTIMATED FOR 2005
REVENUE				
PROPERTY TAX	119,189.98	101,922.24	105,900.00	105,900.00
TAX	-	25,311.92	20,000.00	20,000.00
TRANSFER	356,500.00	362,999.03	432,100.00	432,100.00
10% ROLLBACK	13,253.00	13,622.51	13,200.00	13,200.00
PERSONAL PROP - ST	921.33	-	1,000.00	1,000.00
TAX EXEMPT	-			
MISC	1,510.30	1,247.03	1,000.00	1,000.00
TOTAL REVENUE	491,374.61	505,102.73	573,200.00	573,200.00
EXPENDITURES				
PROGRAM / OBJECT				
SECURITY OF PERS/PROPE	491,741.01	488,407.87	510,000.00	525,000.00
TOTAL EXPENDITURES	491,741.01	488,407.87	510,000.00	525,000.00
REV. OVER (UNDER) EXPEN	(366.40)	16,694.86	63,200.00	48,200.00
BEG. UNENCUMBERED FD	1,629.24	1,262.84	17,957.70	81,157.70
ENDING CASH FUND BAL	1,262.84	17,957.70	81,157.70	129,357.70
EST ENCUM. YR END	-	-	-	-
ESTIMATED UNEN. BAL.	1,262.84	17,957.70	81,157.70	129,357.70

FUND NAME: FIRE PENSION FUND 1210

EXHIBIT II

FUND TYPE/CLASSIFICATION : GOVERNMENTAL/SPECIAL REVENUE

DESCRIPTION	FOR 2002 ACTUAL	FOR 2003 ACTUAL	ESTIMATED 2004	BUDGET YEAR ESTIMATED FOR 2005
REVENUE				
PROPERTY TAX	119,189.98	101,922.24	105,900.00	105,900.00
TAX		25,311.92	20,000.00	20,000.00
TRANSFER	411,600.00	419,999.45	400,000.00	400,000.00
10% ROLLBACK	13,253.17	13,622.51	13,200.00	13,200.00
PERSONAL PROP - ST	921.33	-	1,000.00	1,000.00
OTHER	1,510.13	1,247.03		
TOTAL REVENUE	546,474.61	562,103.15	540,100.00	540,100.00
EXPENDITURES				
PROGRAM / OBJECT				
SECURITY OF PERS/PR	546,447.53	554,724.27	530,000.00	545,000.00
TOTAL EXPENDITURES	546,447.53	554,724.27	530,000.00	545,000.00
REVENUES OVER (UNDER)	27.08	7,378.88	10,100.00	(4,900.00)
BEG UNENCUMBERED FD		993.39	8,372.27	18,472.27
ENDING CASH FUND BAL	993.39	8,372.27	18,472.27	13,572.27
EST. ENCUMB. YR END	-	-	-	-
EST UNEN. BALANCE	993.39	8,372.27	18,472.27	13,572.27

EXHIBIT III

FUND	ESTIMATED UNENCUMBERED FUND BALANCE 1/1/2005	BUDGET YEAR ESTIMATED RECEIPT	TOTAL AVAILABLE FOR EXPENDITURES	BUDGET YEAR EXPENDITURES AND ENCUMBRANCES			ESTIMATED UNENCUMBERED BALANCE 12-31-05
				PERSONAL SERVICE	OTHER	TOTAL	
SPECIAL REVENUE							
1201 STREET M & R	10,000.00	988,407.00	998,407.00	1,018,970.00	308,600.00	1,327,570.00	(329,163.00)
1202 STATE HWY M & R	2,000.00	80,200.00	82,200.00	90,383.00	35,000.00	125,383.00	(43,183.00)
1203 CDBG	0.00	790,000.00	790,000.00	353,586.00	432,796.00	786,382.00	3,618.00
1204 MASS MUNI COURT	329,338.00		329,338.00		220,000.00	220,000.00	109,338.00
1206 MUNI MOTOR VEH	15,700.00	300,000.00	315,700.00		150,000.00	150,000.00	165,700.00
	0.00		0.00			0.00	0.00
1208 PARKING METER	54,000.00	35,000.00	89,000.00	23,850.00	18,300.00	42,150.00	46,850.00
	0.00		0.00	0.00	0.00	0.00	0.00
1212 SUMMER CONCERT	0.00	60,000.00	60,000.00		60,000.00	60,000.00	0.00
1214 SPECIAL FD	19,700.00	3,000.00	22,700.00		2,500.00	2,500.00	20,200.00
1215 LAW ENFORCE	25,800.00	6,500.00	32,300.00		2,625.00	2,625.00	29,675.00
1216 FED LAW ENFOR	0.00	10,000.00	10,000.00			0.00	10,000.00
1217 UDAG 0097	0.00		0.00			0.00	0.00
1219 WIC	6,000.00	104,000.00	110,000.00	96,070.00	10,300.00	106,370.00	3,630.00
1222 WASTE GRANT	2,000.00	39,000.00	41,000.00	22,000.00	5,000.00	27,000.00	14,000.00
			0.00			0.00	0.00
1225 INDIG. DRUG	406,200.00	102,000.00	508,200.00		49,500.00	49,500.00	458,700.00
1226 ENFORC. & EDUCA	4,500.00	2,500.00	7,000.00		450.00	450.00	6,550.00
1229 HOME	53,700.00	200,000.00	253,700.00		150,000.00	150,000.00	103,700.00
1230 FED GR. COPS	2,475.00	0.00	2,475.00			0.00	2,475.00
1231 LOCAL LAW BL	2,800.00	0.00	2,800.00		0.00	0.00	2,800.00
1232 CL OF CT COMP.	51,300.00	95,000.00	146,300.00	57,941.00	48,359.00	106,300.00	40,000.00
1233 MUNI CT COMP.	73,600.00	62,000.00	135,600.00		90,000.00	90,000.00	45,600.00
1234 PARK & REC	59,000.00	1,869,744.00	1,928,744.00	1,409,451.00	651,600.00	2,061,051.00	(132,307.00)
1235 COMMUNITY HEALTH	6,100.00	350,000.00	356,100.00	314,659.00	117,070.00	431,729.00	(75,629.00)
	0.00		0.00			0.00	0.00
1237 ECO. DEV.	19,400.00	22,000.00	41,400.00		500.00	500.00	40,900.00
1238 PROBATION SERV	288,800.00	120,000.00	408,800.00	94,954.00	90,033.00	184,987.00	223,813.00
1239 MAND DRUG FINE	25,800.00	3,000.00	28,800.00			0.00	28,800.00
			0.00			0.00	0.00
1241 ENTERPRISE ZONE	4,700.00	17,000.00	21,700.00	20,149.00	586.00	20,735.00	965.00
1242 ADR	12,000.00	51,000.00	63,000.00	62,219.00	0.00	62,219.00	781.00
TOTAL SP. REVENUE	1,474,913.00	5,310,351.00	6,785,264.00	3,564,232.00	2,443,219.00	6,007,451.00	777,813.00

EXHIBIT III

FUND	ESTIMATED UNENCUMBERED FUND BALANCE 1/1/2005	BUDGET YEAR ESTIMATED RECEIPT	TOTAL AVAILABLE FOR EXPENDITURES	BUDGET YEAR EXPENDITURES AND ENCUMBRANCES			ESTIMATED UNENCUMBERED BALANCE 12-31-05
				PERSONAL SERVICE	OTHER	TOTAL	
DEBT SERVICE FDS							
1303 BD. RET. LIN CTR	330.00	600,000.00	600,330.00		516,643.00	516,643.00	83,687.00
1304 BD. RET. SR. HOUS	5,745.00	125,500.00	131,245.00		123,175.00	123,175.00	8,070.00
1306 BD. RET PK&REC	224,458.00	475,000.00	699,458.00		696,057.00	696,057.00	3,401.00
1340 BD RET TIF	215,450.00		215,450.00		132,470.00	132,470.00	82,980.00
1341 SEC 108 LOAN REPA	0.00	212,000.00	212,000.00		211,646.00	211,646.00	354.00
1350 SA BOND RETIR.	8,300.00	1,600.00	9,900.00		9,822.00	9,822.00	78.00
1351 SA SHAW/CASTLW	0.00	31,650.00	31,650.00		31,650.00	31,650.00	0.00
1370 STATE HOS END	3,000.00		3,000.00		50,000.00	50,000.00	0.00
TOTAL DEBT SERVICE	457,283.00	1,445,750.00	1,903,033.00	0.00	1,771,463.00	1,771,463.00	131,570.00
CAPITAL PROJ. FDS							
1401 CAP IMP	443,000.00	485,000.00	928,000.00		0.00	0.00	928,000.00
1408 PEDESTRIAL BRIDGE	509.26	0.00	509.26		0.00	0.00	
1409 MUNI ROAD	1,670.00	0.00	1,670.00		0.00	0.00	1,670.00
1410 16TH ST PROJECT	0.00	0.00	0.00		0.00	0.00	
1416 ORNA ST LIGHTS	5,000.00	0.00	5,000.00		0.00	0.00	5,000.00
1419 MARKETPLACE	317.00	0.00	317.00		0.00	0.00	317.00
1421 WWT PLANTUPG	0.00	1,700,000.00	1,700,000.00		0.00	0.00	1,700,000.00
1423 S MSLN TRUNK	97,100.00	0.00	97,100.00		0.00	0.00	97,100.00
1425 LINCOLN CTR III	5,300.00	0.00	5,300.00		0.00	0.00	5,300.00
1433 P & R CAP. IMP.	329,000.00	192,200.00	521,200.00		217,000.00	217,000.00	304,200.00
1434 P & R COMM. PRK	87,174.00	0.00	87,174.00		0.00	0.00	87,174.00
1435 P & R REC. CNTR	107.00	0.00	107.00		0.00	0.00	107.00
1436 P&R RESERVOIR	59,100.00	0.00	59,100.00		0.00	0.00	59,100.00
1482 OPWC HILLS/DALES	0.00	0.00	0.00		0.00	0.00	
TOTAL CAP. PROJECT	1,028,277.26	2,377,200.00	3,405,477.26	0.00	217,000.00	217,000.00	3,187,968.00
PROPRIETARY:							
ENTERPRISE FUNDS							
2101 WASTEWATER TR	640,000.00	4,500,000.00	5,140,000.00	2,129,084.00	2,176,167.00	4,305,251.00	834,749.00
1305 BD. RET. WWT	2,908,800.00	1,226,000.00	4,134,800.00		2,942,644.00	2,942,644.00	1,192,156.00
2102 SOLID WASTE	219,000.00	910,000.00	1,129,000.00	660,800.00	224,400.00	885,200.00	243,800.00
1413 SOLID WASTE CI	89,700.00	58,000.00	147,700.00		55,000.00	55,000.00	92,700.00
2104 LEGENDS GOLF	7,000.00	770,000.00	777,000.00	410,700.00	404,600.00	815,300.00	(38,300.00)
1302 BD. RET. LEGENDS	133,384.00	330,000.00	463,384.00	0.00	357,540.00	357,540.00	105,844.00
TOTAL ENTERP. FDS	3,997,884.00	7,794,000.00	11,791,884.00	3,200,584.00	6,160,351.00	9,360,935.00	2,430,949.00

EXHIBIT III

FUND	ESTIMATED UNENCUMBERED FUND BALANCE 1/1/2005	BUDGET YEAR ESTIMATED RECEIPT	TOTAL AVAILABLE FOR EXPENDITURES	BUDGET YEAR EXPENDITURES AND ENCUMBRANCES			ESTIMATED UNENCUMBERED BALANCE 12-31-05
				PERSONAL SERVICE	OTHER	TOTAL	
INTERNAL SERV. FD							
2202 INSURANCE FUND	166,000.00	2,005,000.00	2,171,000.00		2,005,000.00	2,005,000.00	166,000.00
							0.00
TOTAL INTERNAL SER	166,000.00	2,005,000.00	2,171,000.00	0.00	2,005,000.00	2,005,000.00	166,000.00
FIDUCIARY:							
TRUST & AGENCY							
3105 ST PATROL TRANS	0.00	100,000.00	100,000.00		100,000.00	100,000.00	0.00
3106 MASS BICENTENN	5,700.00		5,700.00		0.00	0.00	5,700.00
3107 FIRE DAMAGE ST	10,000.00	40,000.00	50,000.00		50,000.00	50,000.00	0.00
3108 UNCLAIMED MON	39,100.00		39,100.00		5,000.00	5,000.00	34,100.00
3109 TIF SERVICE PAYM	555.00	221,000.00	221,555.00		221,500.00	221,500.00	55.00
3112 MASSILLON MURAL	0.00		0.00			0.00	0.00
TOTAL TRUST & AGEN	55,355.00	361,000.00	416,355.00	0.00	376,500.00	376,500.00	39,855.00
TOTAL ALL FUNDS	7,179,712.26	19,293,301.00	26,473,013.26	6,764,816.00	12,973,533.00	19,738,349.00	6,734,155.00

BUDGET YEAR	
-------------	--

[illegible]