AGENDA

DATE: MONDAY, AUGUST 16, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL - AUTRY-ABSONT

- 2. INVOCATION BY COUNCILMAN RON MANG
- 3. PLEDGE OF ALLEGIANCE
- 4. READING OF THE JOURNAL
- 5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
- 6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 135 – 2004

BY: PARS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, for the installation of basketball courts at Community Park, and declaring an emergency.

ORDINANCE NO. 136 – 2004

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract extending our present Centrex services with SBC on all City government telephone lines for a period of three (3) years.

ORDINANCE NO. 137 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

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 Lincoln Way West Rehab Project, and declaring an emergency.

ORDINANCE NO. 138 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

The following ordinance enacted by the City of Massillon, Stark County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

<u>ORDINANCE NO. 139 – 2004</u>

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund", and declaring an emergency.

ORDINANCE NO. 140 - 2004

BY: FINANCE COMMITTEE

AN ORDINANCE establishing the new 2005 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

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

AY POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2004

B). TREASURER SUBMITS MONTHLY REPORT FOR JULY 2004

C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JULY 2004.

D). INCOME TAX DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2004

E). MAYOR SUBMITS MONTHLY REPORT FOR JULY 2004

E): WASTE DEPARTMENT SUBMITS MONTHLY REPORT FOR JULY 2004

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

- Meadow's Folcen Fift S And Review of Secize 22 B) SITY STILL NOTON HOOK, B) SITY STILL NOTON HOOK, PUBLICACESS ONE WEB, Time

RESOLUTION NO. 21 - 2004

BY: HEALTH, WELFARE & BLDG REGULATIONS

A RESOLUTION designating Babette Ct. SE as the name for a certain alley located in the City of Massillon, Ohio, and described as an alley 15 feet wide running from Wallace Avenue SE to Wellman Avenue SE., and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 125 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE accepting the Final Plat and dedication of various streets for Orchard Hill Estates, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

ORDINANCE NO. 131 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE vacating a portion of a certain public alley.

2016. NEW AND MISCELLANEOUS BUSINESS

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

18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

A. Located on Extension reading to Located on Extension reading the Located on Extension reading the Located on Extension Reading to Storm True of Storm True.

D. NO ON SINE LENGTH BOOK STORES 17K.

3.) MANGE RESPONSE TO TIMES 17K.

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MANG-SUPPORTS - POSTERIES

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DATE:	AUGUST 16, 2004	CLERK:	MARY BETH BAIL
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CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

EGISLATIVE DEPARTMENT

ORDINANCE NO. 135 - 2004

BY: PARKS AND RECREATION 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, for the installation of basketball courts at Community Park, and declaring an emergency.

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

Section I:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public realth, safety and welfare to advertise for and receive sealed bids according to law, for the installation of basketball courts at Community Park.

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, for the installation of basketball courts at Community Park.

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 to receive bids for the installation of basketball courts at Community Park. 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 THISDA	Y OF, 2004
ATTEST	·	
M	ARY BETH BAILEY, CLERK OF COUNCIL	DENNIS D. HARWIG, PRESIDENT
APPRO\	VED:	
		FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: AUGUST 16, 2004		CLERK:	MARY BETH BAILEY
13-	CITY OF MASSILI	ON, OHIO	
COUNCIL CHAMBERS			EGISLATIVE DEPARTMENT
	ORDINANCE NO.	136 - 2004	Eassed 9/20
BY: PUBLIC UTILITIES COMM	ITTEE		
TITLE: AN ORDINANCE authorontract extending our present C for a period of three (3) years.	orizing the Director of centrex services with	of Public Servion SBC on all Cit	ce and Safety to enter into a y government telephone lines
NOW, THEREFORE, BE IT O	ORDAINED BY THE	COUNCIL OF	THE CITY OF MASSILLON,
Section 1:			
The Council of the City of Ma health, safety and welfare to ente on all City Government telephone	r into a contract exte	nding our prese	ent Centrex services with SBC
Section 2:			
The Director of Public Service enter into a contract extending of telephones lines for a period of the	our present Centrex	-	
Section 3			
This Ordinance shall take effect	ct and be in force fror	n and after the e	earliest period allowed by law.
PASSED IN COUNCIL THIS	DAY OF		2004
ATTEST:			
MARY BETH BAILEY, CLE	RK OF COUNCIL	DENNIS D. I	HARWIG, PRESIDENT
PPROVED			
		FRANCIS H. (CICCHINELLI, JR., MAYOR

DATE:	AUGUST 16, 2004	CLERK:	MARY BETH BAILEY	
	Amended to remove	Entermiscontra	er Long8-0	

5030 8-0

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 137 - 2004

CITY OF MASSILLON, OHIO

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

Removed.

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 Lincoln Way West Rehab Project, and declaring an emergency.

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

Section I:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public lealth, 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 Lincoln Way West Rehab Project.

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 enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Lincoln Way West Rehab Project.

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 timely commenced on the Lincoln Way West Rehab Project Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASS	ED IN COUNCIL THIS	_DAY	OF, 2004
ATTEST:			
MARY BETH	BAILEY, CLERK OF COUN	CIL	DENNIS D. HARWIG, PRESIDENT
APPROVED:			
			FRANCIS H. CICCHINELLI, JR., MAYOR

PRELIMINARY LEGISLATION RC 5521.01

30000			
Dogo 8		Ordinance/Resolut	tion# 138 - 2004
		PID No.	24532
			Section STA. CR 510
		County/Mount	BLEIGH BIA. CK 510 _
	(A) (A) (B) (B) (B) (B) (B) (B) (B) (B) (B) (B	ODOT Agreement	No.
		ODOI Agroment	
The following is	an _a Ordinance	enacted by the	City of
	(an Ordinance/a Resolution)		ocal Public Agency)
Massillon, Stark	County, Ohio, hereinaf		
	stated described project.	P. S.	<i>B y</i> (<i>y</i> ,
	F. J.	8 3	
SECTION I - Proj	act Description		
SECTION 1-110J	ect Description	- 6e E	
TTTTTTT AC 41. OT	ATT lastical diament		
WHEREAS, the SI	ATE has identified the need f	or the described project	Σ τ:
	The rehabilitation of the	Fremont Avenue Bridg	e.
NOW THE	EREFORE, be it ordained by t	the City of	Massillon ,
	· · · · · · · · · · · · · · · · · · ·	(LPA)	
Ohio.			
	*		
SECTION II - Con	sent Statement		
JECTION IN COM			

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The rehabilitation of the Tremont Avenue Bridge.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of the project above the federal share minus the \$325,000 ODOT District 4's District Allocation.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described Project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Consultants and Authority to Sign

The Safety Service Mirecton said City of Massillon is hereby empowered on
(Contractual Agent) (LPA)
behalf of the _City of Massillon to enter into contracts with ODOT pre-
(LPA)
qualified consultants for the preliminary engineering phase of the Project and to enter into
contracts with the Director of Transportation necessary to complete the above described project
Upon the request of ODOT, the Safety Servicise also empowered to assign all rights, title,
(Contractual Agent)
and interests of City of Massillon to ODOT arising from any agreement with its consultant i
(I PA)
order to allow ODOT to direct additional or corrective work, recover damages due to errors o
omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Passed:		, 2
	(Date)	

PID	No.	24532
	TIO	47334

Attested:	. 74			
	(Clerk)	3	(Officer of LPA - title)	
		ĸ		
Attested:			E .	
	(Title)		(President of Council)	
				N
				94
This		is hereby decla	ared to be an emergency measure to	expedite the
(Ordin	nance/Resolution)			_
highway pro	ject(s) and to pron	note highway safet	y. Following appropriate legislative	action, it
shall take eff	fect and be in force	immediately upon	its passage and approval, otherwise	it shall take
effect and be	in force from and	after the earliest p	eriod allowed by law.	

CERTIFICATE OF COPY STATE OF OHIO

	of		County, Ohi
(LPA)	1	,	
T	, as	Clerk of the	
*,		\$	(LPA)
of	, Ohio	, do hereby certify tha	t the foregoing is a true and
correct comy of		adopted by the legis	slative Authority of the said
(Ordin	ance/Resolution)		
	on the	day of	been made and certified of
(LPA)			
that the publication of such		has	been made and certified of
that the publication of such	(Ordinance/R	esolution)	2.2
100022 417 514 5	have been ta	ken; and that such	(Ordinance/Resolution)
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(Ordinance/Resolution) and certificate of publication	thereof are of recor	rd in	, Page
and our mount of p	**	(Ordinance/Resolution Re	cord No.)
IN WITNESS WHE	REOF, I have hereu	nto subscribed my nar	ne and affixed my official
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(If Applicable)	(LIA)		5
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		1' '41 41	mainst hansin described
The aforegoing is ac	cepted as a basis for	proceeding with the p	project herein described.
For the		of	, Ohio
400 0000 000 00 00 00 00 00 00 00 00 00	(LPA)		
Attest:	is the Control of the		, Date
		Contractual Officer	
*******	*****	*********	*****
	For the Sta	ate of Ohio	
Attest:		, , , , , , , , , , , , , , , , , , , ,	, Date
7 1112Dt.	Dire	ector Ohio Department of T	ransportation

DATE:	AUGUST 16, 2004	CLERK:	MARY BETH BAILEY	
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CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

EGISLATIVE DEPARTMENT

ORDINANCE NO. 139 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor of the City of Massillon to deposit the three-tenths percent (.3%) City Income Tax for the Parks and Recreation System into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund", and declaring an emergency.

WHEREAS, the electors of the City of Massillon voted to raise the city income tax rate by three-tenths percent (.3%) effective January 1st, 1996 and to be used exclusively for the parks and recreation system in the City of Massillon.

WHEREAS, it is necessary to determine what percentage of the tax collected for the Parks and Recreation Department shall be deposited into the "Parks and Recreation Operations Fund", "Park and Recreation Debt Retirement Fund" and the "Park and Recreation Capitol Improvement Fund".

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

Section 1:

It is hereby determined that it is necessary for the Auditor of the City of Massillon to deposit a portion of the three-tenths percent (.3%) City Income Tax for the parks and recreation system into the "Parks and Recreation Fund", "Park and Recreation Capital Improvement Fund" and the "Park and Recreation Bond Retirement Fund".

Section 2:

Effective August 1, 2004 through December 31, 2004 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Sixty-Five percent (65%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Thirty-Five percent (35%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- Zero percent (0%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 3:

Effective January 1, 2005 the Auditor of the City of Massillon is hereby authorized to deposit the following percentages into the following funds from the amounts collected from the income tax for the Parks and Recreation Department:

- 1.) Fifty-Two and a half percent (52.5%) shall be deposited into the "Parks and Recreation Operations 1234 Fund".
- 2.) Forty percent (40%) shall be deposited into the "Park and Recreation Debt Retirement 1306 Fund".
- 3) Seven and a half percent (7.5%) shall be deposited into the "Park and Recreation Capitol Improvement 1433 Fund".

Section 4:

That Ordinance No. 163 - 2003 be and is hereby repealed as of August 31, 2004.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the community, and for the further reason that said funds are necessary to provide sufficient funds to adequately maintain the Park and Recreation Department and provide sufficient funds for the operations of the department on a daily basis. 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 THISDAY O	DF2004
APPROVED: MARY BETH BAILEY, CLERK OF COUN	NCIL DENNIS D. HARWIG, PRESIDENT
APPROVED:	
	ERANCIS H CICCHINELLI IR MAYOR

DATE:	AUGUST 16, 2004
D/\ L	700001 10, 2007

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

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LEGISLATIVE DEPARTMENT

ORDINANCE NO. 140 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a the new 2005 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines that it is necessary to establish a new 2005 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course.

Section 2:

It is hereby determined that the following rate schedule for fees to be charged at The Legends of Massillon Golf Course is hereby approved and accepted by this Council.

(SEE ATTACHED EXHIBIT "A")

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that it is necessary that the rate schedule be approved in that the golf season will soon begin, and that it is necessary to publish the rates, and for the additional reason 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 THISDAY	Y OF_		_2004
AP	PROVED:			
	MARY BETH BAILEY, CLERK OF COL	JNCIL	DENNIS D. HARWIG, PR	ESIDENT
APF	PROVED:	= 1		
		1	FRANCIS H. CICCHINELL	I, JR., MAYOR



Membership Plans 2005

The Legends of Massillon offers a variety of membership plans that feature unlimited complimentary golf, preferred starting time privileges, handicap service, member only golf tournaments, and a member bag tag.

Life Membership

Limited offering.

Unlimited greens fees including leagues for life.

Life membership

\$7800 = 5 more

Spouse

\$5000

Full Membership

Limited to 100 memberships. Unlimited greens fees every day including leagues.		
\$1150	\$995	
\$9 75	\$825	
\$750	\$650	
\$650	\$550	
\$650	\$520	
\$300	\$250	
	\$1150 \$975 \$750 \$650 \$650	

^{*}Playing privileges limited on weekends/holidays

Weekday Membership

Limited to 200 memberships.

Unlimited weekday greens fees including leagues (holidays excluded).

Weekday membership	\$800	\$680
Senior (55+)	\$700	\$595
Youth (13-17)	\$520	\$450
Full-time college student	\$450	\$385
Second player same household	\$450	\$360
Each additional in same household	\$300	\$250

NOTE

Membership fees will be discounted 10% if purchased by 12/1/04 (does not apply to second player and additional memberships) and the same fee will be guaranteed for 2006.

Membership Benefits

- Member privileges begin date of registration and extend through 2005 season.
- Preferred starting time privileges:

Lifetime and seven day members: one month.

Five day members: three weeks.

- Complimentary greens fees including leagues during play period (outings, special events and non-club tournaments excluded.)
- Member only events including weekday member league.

Full members have entry priority.

- Weekday members receive complimentary greens fees for all member events.
- Member optional cart plan featuring unlimited complimentary carts:

Individual: \$450 Couple: \$550 Family: \$650

Member optional range plan featuring unlimited complimentary range balls:

Individual: \$250 Couple: \$350 Family: \$500

Complimentary range use limited to hours of complimentary greens fees.

- 10% Discount on golf shop purchases (certain restrictions may apply on sale items).
- Members will receive a 10% discount on cart/range package plan at the time membership fee is paid.
- USGA GHIN handicap service available.
- Member bag tag.

Membership Policies

Shootout

- Members and guests must adhere to all golf policies that are posted at clubhouse.
- Cart fee mandatory on weekends and holidays before 2 PM May thru September.
- Third designee on any membership restricted to children under 18 living at home or 23 years and under if a full-time college student.
- Senior. Youth and Full-time college student seven day membership classifications are restricted to play after 11 am on weekends/holidays May thru September. (This restriction does not apply to full members that are seniors.)

Sunday, October 9

All memberships are non-refundable and non-transferable.

Member Tournament 2005 Schedule

•	Spring Four Player 2BB	Saturday, May 14
=	Member/Guest	Saturday, June 25
ø	Member/Member (27 Holes)	Saturday, July 23
Ħ	Junior Club Championship	Thursday, July 28
	Men's Senior Club Championship	Thursday, August 4
	Men's Club Championship	Sat/Sun, August 13-14
4	Ladles Club Championship	Sunday, August 14
8	The Tin Cup	Sat/Sun, September 17-18
8	Fall Four Player Scramble	Saturday, October 1

Tournaments and dates subject to change.

All tournaments earn points toward Player of the Year Award.