

AGENDA

DATE: TUESDAY, SEPTEMBER 7, 2004

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL
2. INVOCATION BY COUNCILMAN PAUL MANSON
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

*5:00 P.
7-0
P. 7-0*

ORDINANCE NO. 141 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending the agreement between the City of Massillon and E-Tank, Ltd., under the Ohio Enterprise Zone Program, and declaring an emergency.

1:55

ORDINANCE NO. 142 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Perry Township Board of Trustees to submit a joint application to the Ohio Public Works Commission for the 27th Street and Jackson Avenue Project, and declaring an emergency.

1:55

ORDINANCE NO. 143 - 2004

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Stark County Board of Commissioners to submit a joint application to the Ohio Public Works Commission for the Richville Drive Project, and declaring an emergency.

*5:00 P.
7-0
P. 7-0*

ORDINANCE NO. 144 - 2004

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety to accept the 2004 Assistance to Firefighters Grant from the U.S. Department of Homeland Security, and declaring an emergency.

*5:00 P.
7-0
P. 7-0*

ORDINANCE NO. 145 - 2004

BY: FINANCE COMMITTEE

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

ORDINANCE NO. 146 – 2004

BY: FINANCE COMMITTEE

5050 7-0
AN ORDINANCE making a transfer in the 2004 appropriation of the General Fund, of the City of Massillon, Ohio, and declaring emergency.

ORDINANCE NO. 147 – 2004

BY: FINANCE COMMITTEE

5050 7-0
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2005, and declaring an emergency.

RESOLUTION NO. 22 – 2004

BY: COMMITTEE OF THE WHOLE

5050 7-0
A RESOLUTION giving the authorization to have Massillon City Council meeting sessions broadcasted.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM CHRISTOPHER ALAN ENTERPRISES INC 14 LINCOLN WAY WEST 1ST FLOOR, MASSILLON, OHIO 44646 TO THREE OLIVES LLC DBA THE BASEMENT AT MASSILLON 14 LINCOLN WAY WEST 1ST FLOOR, MASSILLON, OHIO 44646.

(B) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR SPEEDWAY SUPERAMERICA LLC DBA SPEEDWAY 4527 522 ERIE STREET NORTH, MASSILLON, OHIO 44646.

Discussion that the chairs have debated this before. chairs should have a copy in mailbox.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR AUGUST 2004

B). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST 2004

11. REPORTS OF COMMITTEES

SEP 13 – 5:00 CD

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER

13. CALL OF THE CALENDAR

ORDINANCE NO. 115 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

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.

*Happy to engage the owners w/ proposal. Alan Drille will get dates for meeting.
Tabled Sep 20, 04
7-0*

~~14. THIRD READING ORDINANCES AND RESOLUTIONS~~

~~15. SECOND READING ORDINANCES AND RESOLUTIONS~~

ORDINANCE NO. 136 – 2004

BY: PUBLIC UTILITIES COMMITTEE

2nd **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.

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

*Delegations
None*

DATE SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 141 - 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon and E-Tank, Ltd., under the Ohio Enterprise Zone Program, and declaring an emergency.

WHEREAS, when the City of Massillon, and E-Tank, Ltd., entered into an enterprise zone tax abatement agreement in July 2004; it was the parties understanding that the E-Tank, Ltd., would receive a 100% tax abatement for a period of 10 years on all newly acquired inventory.

WHEREAS, the parties have recently become aware that there have been changes made to the Ohio Enterprise Zone Program with regard to the percentage of employees required during a three-year period.

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

Section 1:

That the agreement between the City of Massillon and E-Tank, Ltd., under the Ohio Enterprise Zone Program, is hereby amended to correct certain inadvertent inaccuracies regarding the abatement of required employees under this agreement.

Section 2:

That a copy of said amendment is attached hereto and made part of this Ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the enterprise zone agreement to accurately reflect the intent of the parties thereto, as part of the undertaking of the project set forth in the enterprise zone agreement. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 2004

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

ATTEST: _____
FRANCIS H. CICCHINELLI, JR. MAYOR

"Attached Exhibit"

In any three-year period during which the agreement is in effect, if the actual number of employee positions created or retained by the Enterprise is not equal to or greater than seventy-five percent of the number of employee positions estimated to be created or retained under this agreement during three-year period, the Enterprise shall repay the amount of taxes on property that would have been payable had the property not been exempted from taxation under this agreement during that three-year period. In addition, the City of Massillon may terminate or modify the exemptions from taxation granted under this agreement.

DATE: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

135 9-7-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 142 - 2004

passed 9/20

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Perry Township Board of Trustees to submit a joint application to the Ohio Public Works Commission for the 27th Street and Jackson Avenue Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement with the Perry Township Board of Trustees to submit a joint application to the Ohio Public Works Commission for the 27th Street and Jackson Avenue Project.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Perry Township Board of Trustees to submit a joint application to the Ohio Public Works Commission for the 27th Street and Jackson Avenue Project.

(SEE ATTACHED)

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to enter into an agreement with the Perry Township Board of Trustees for the joint application to the Ohio Public Works Commission for the work to be done for the 27th Street and Jackson Avenue 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

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

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

AGREEMENT BETWEEN
THE CITY OF MASSILLON, OHIO
AND
PERRY TOWNSHIP, OHIO

This AGREEMENT is made between the CITY OF MASSILLON, STARK COUNTY, OHIO, (hereinafter "MASSILLON"), a municipal corporation, whose address is 151 Lincoln Way East, Massillon, Ohio 44646 and PERRY TOWNSHIP, STARK COUNTY, OHIO (hereinafter "PERRY"), whose address is 3111 Hilton Street, N.W., Massillon, Ohio 44646.

I. PURPOSE

This AGREEMENT is made for the sole purpose of allocating the costs associated with the rehab and widening of 27th Street NE (AKA Jackson Avenue).

II. EFFECTIVE DATE

The term of this AGREEMENT will commence the day that the APPLICATION TO THE PUBLIC WORKS COMMISSION for the 27th STREET NE WIDENING PROJECT (Exhibit 1, attached hereto and made a part thereof, referred to as "Application" herein) is approved and will continue until costs associated with the PROJECT described in ATTACHMENT 1 are paid in full and the installation is complete.

III. MASSILLON RESPONSIBILITIES

- A. MASSILLON will pay one-half of any costs and/or expenses not funded by the STATE OF OHIO PUBLIC WORKS COMMISSION not to exceed ten (10) per cent of the total cost of the PROJECT.
- B. MASSILLON will obtain all, if any, easements needed for PROJECT. MASSILLON will pay one-half of any cost of said easements.
- C. MASSILLON will submit said APPLICATION to the appropriate agency.
- D. MASSILLON will inform PERRY of any correspondence or communications received regarding said APPLICATION.
- E. MASSILLON will be the contracting agent.

IV. PERRY RESPONSIBILITIES

- A. PERRY will provide MASSILLON with a letter certifying that PERRY'S share of the funds are budgeted for this project.
- B. PERRY will pay one-half of any costs and/or expenses not funded by the STATE OF OHIO PUBLIC WORKS COMMISSION not to exceed ten (10) percent of the total cost of PROJECT including any easement costs, inkind contributions, testing and legal fees.

V. PERRY AND MASSILLON RESPONSIBILITIES

PERRY and MASSILLON will maintain their respective portions of the project once said project is completed.

VI. MODIFICATION

- A. This AGREEMENT may not be amended, changed or modified unless such amendment, change, or modification is made in writing and agreed upon by both MASSILLON and PERRY.
- B. Such amendments, changes or modifications to this AGREEMENT shall become effective only when signed and dated by all parties and approved by such governing parties for each as provided by law.

VII. TERMINATION

- A. This AGREEMENT will terminate upon the completion of said PROJECT and the payment in full of all costs associated with said PROJECT.
- B. In the event that PROJECT is not funded, this AGREEMENT shall terminate automatically.
- C. This AGREEMENT shall not terminate due to death of one of the parties signing this AGREEMENT.

VIII. GOVERNING LAW

Any dispute arising from this AGREEMENT will be governed by the laws of the State of Ohio and the City of Massillon.

IX. ASSIGNMENT CLAUSE

This AGREEMENT shall not be assigned by either party without the prior written consent of the other party.

X. SAVING CLAUSE

If any term, provision, covenant or condition of this AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XI. ARBITRATION CLAUSE

If an dispute or disagreement arises between the parties as to the allocation of costs, terms of this agreement, or any other issue covered by this agreement, the parties hereto shall submit said issue to arbitration.

Each of the parties hereto shall appoint one person as an arbitrator to hear and determine the dispute and if they shall be unable to agree, then the two arbitrators so chosen shall

select a third impartial arbitrator whose decision shall be final and conclusive upon the parties hereto. The expenses of such arbitration shall be borne by the losing party or in such proportion as the arbitrators shall decide.

XII. INTEGRATION CLAUSE

This AGREEMENT is to be construed as a complete and total agreement of the parties.

This AGREEMENT entered into by MASSILLON and PERRY on he _____ day of _____, 20_____.

WITNESSES:

CITY OF MASSILLON, OHIO

By: ALAN W. CLIMER
Director of Public Service and Safety

FRANCIS H. CICCHINELLI, JR.
Mayor

PERRY TOWNSHIP

By: _____
President, Board of Trustees

LAW DIRECTOR'S CERTIFICATE

I, the undersigned, the duly elected and qualified Law Director of the City of Massillon, Ohio, do hereby certify that I have personally examined the foregoing AGREEMENT and have found the same to be regular with respect to form and correctness, and binding upon all parties signatory thereto.

DATE: _____

Director of Law
City of Massillon

DATE: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

125 9-7-04

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 143 - 2004

passed 9/20

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and the Director of Public Service and Safety to enter into an agreement with the Stark County Board of Commissioners to submit a joint application to the Ohio Public Works Commission for the Richville Drive Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement with the Stark County Board of Commissioners to submit a joint application to the Ohio Public Works Commission for the Richville Drive Project.

Section 2:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement with the Stark County Board of Commissioners to submit a joint application to the Ohio Public Works Commission for the Richville Drive Project.

(SEE ATTACHED)

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to enter into an agreement with the Stark County Board of Commissioners for the joint application to the Ohio Public Works Commission for the work to be done for the Richville Drive 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.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

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

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

AGREEMENT BETWEEN
THE CITY OF MASSILLON, OHIO
AND
STARK COUNTY BOARD OF COMMISSIONERS, OHIO

This AGREEMENT is made between the CITY OF MASSILLON, STARK COUNTY, OHIO, (hereinafter "MASSILLON"), a municipal corporation, whose address is 151 Lincoln Way East, Massillon, Ohio 44646 and the STARK COUNTY BOARD OF COMMISSIONERS, STARK COUNTY, OHIO (hereinafter "COUNTY"), whose address is 110 Central Plaza S, Canton, Ohio.

I. PURPOSE

This AGREEMENT is made for the sole purpose of allocating the costs associated with the Leveling and overlay of Richville Dr. S.E..

II. EFFECTIVE DATE

The term of this AGREEMENT will commence the day that the OHIO PUBLIC WORKS AGREEMENT is executed for the Richville DR. S.E. PROJECT (Exhibit 1, attached hereto and made a part thereof, referred to as "Application" herein) and will continue until the project is paid in full and complete.

III. MASSILLON RESPONSIBILITIES

- A. MASSILLON will pay one-half of any costs and/or expenses not funded by the STATE OF OHIO PUBLIC WORKS COMMISSION not to exceed thirteen (13) percent of the total cost of the PROJECT including any easement costs, in-kind contributions, testing and legal fees.
- B. MASSILLON will be the lead agency and will submit said APPLICATION to the appropriate agency and be the contracting agent.
- C. MASSILLON will inform the COUNTY of any correspondence or communications received regarding said APPLICATION.

IV. COUNTY RESPONSIBILITIES

- A. The COUNTY will provide MASSILLON with a letter certifying that the COUNTY'S shares of the funds are budgeted for this project.
- B. The COUNTY will pay one-half of any costs and/or expenses not funded by the STATE OF OHIO PUBLIC WORKS COMMISSION not to exceed thirteen (13) percent of the total cost of PROJECT including any easement costs, in-kind contributions, testing and legal fees.

V. COUNTY AND MASSILLON RESPONSIBILITIES

The COUNTY and MASSILLON will abide by the existing shared maintenance agreement, adopted by the County Commissioners on December 05, 2000 and the City by Ordinance 219-2000 on October 16, 2000, once said project is completed.

VI. MODIFICATION

- A. This AGREEMENT may not be amended, changed or modified unless such amendment, change, or modification is made in writing and agreed upon by both MASSILLON and the COUNTY.
- B. Such amendments, changes or modifications to this AGREEMENT shall become effective only when signed and dated by all parties and approved by such governing parties for each as provided by law.

VII. TERMINATION

- A. This AGREEMENT will terminate upon the completion of said PROJECT and the payment in full of all costs associated with said PROJECT.
- B. In the event that PROJECT is not funded, this AGREEMENT shall terminate automatically.
- C. This AGREEMENT shall not terminate due to death of one of the parties signing ² this AGREEMENT.

VIII. GOVERNING LAW

Any dispute arising from this AGREEMENT will be governed by the laws of the State of Ohio and the City of Massillon.

IX. ASSIGNMENT CLAUSE

This AGREEMENT shall not be assigned by either party without the prior written consent of the other party.

X. SAVING CLAUSE

If any term, provision, covenant or condition of this AGREEMENT is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XI. ARBITRATION CLAUSE

If a dispute or disagreement arises between the parties as to the allocation of costs, terms of this agreement, or any other issue covered by this agreement, the parties hereto shall submit said issue to arbitration.

Each of the parties hereto shall appoint one person as an arbitrator to hear and determine the dispute and if they shall be unable to agree, then the two arbitrators so chosen shall

select a third impartial arbitrator whose decision shall be final and conclusive upon the parties hereto. The expenses of such arbitration shall be borne by the losing party or in such proportion as the arbitrators shall decide.

XII. INTEGRATION CLAUSE

This AGREEMENT is to be construed as a complete and total agreement of the parties.

This AGREEMENT entered into by MASSILLON and COUNTY on the _____ day of _____, 20_____.

WITNESSES:

CITY OF MASSILLON, OHIO

By: ALAN W. CLIMER
Director of Public Service and Safety

FRANCIS H. CICCHINELLI, JR.
Mayor

WITNESSES

STARK COUNTY COMMISSIONERS

The above is approved as to form and legal sufficiency.

Director of Law
City of Massillon

The above is approved as to form and legal sufficiency.

Assistant Prosecuting Attorney
Stark County, Ohio

Attachment 1

The scope of work for the project is based upon the following:

ADT (2001)	5700 to 4700 (varies)
Speed	35 mph
Termini	US 30 to Walnut Rd

Proposed Work:

The project limits are from 600 L.F. of Nave Rd. SE to 400 feet east of 16th Street SE approximately 10,200 linear feet. This project consists of:

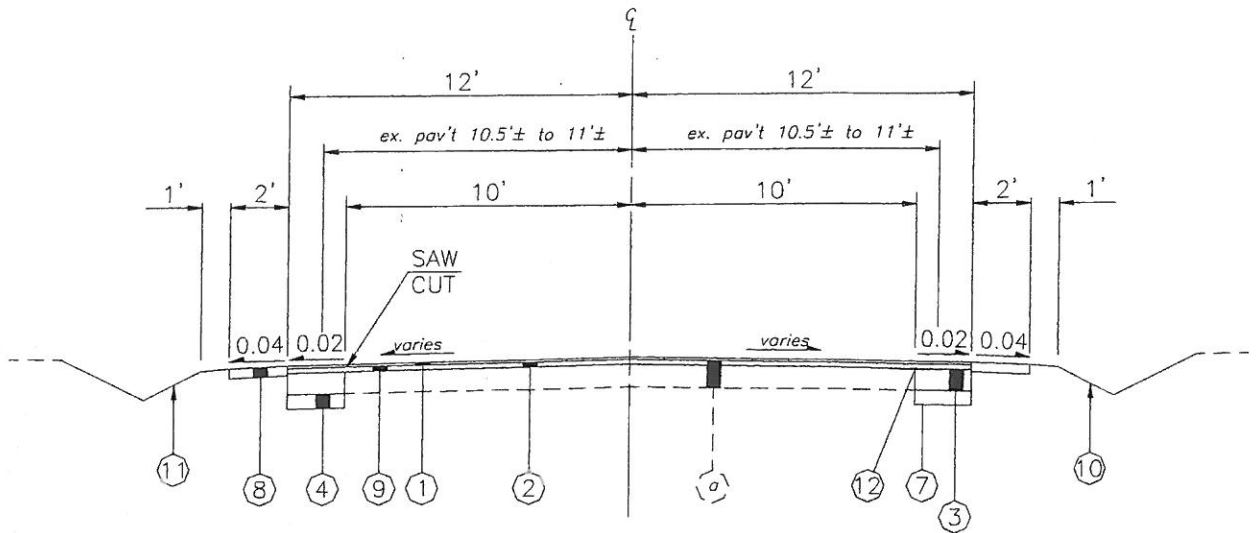
- Widening the existing pavement an average of two feet each side with full depth asphalt and pavement fabric over the joints.
- Add two foot of grindings material to be used for berm material.
- Relocate/rehab the existing ditch line.
- Item 253 Pavement repair will be made as determined during construction.
- Mill full width of existing pavement for the entire length for a depth of two inches (2").
- Overlay the full width and length with two inches (2") of Item 448 intermediate course and one inch (1") Item 448 wearing course asphalt.

Francis H. Cicchini, Jr.



CITY OF MASSILLON ENGINEERING
151 LINCOLN WAY EAST
MASSILLON, OHIO (330)830-1722
FAX: (330)830-1786

TYPICAL SECTION RICHVILLE DR



RICHVILLE DR. TYPICAL SECTION

EXISTING LEGEND

ⓐ variable thickness asphalt pavement

PROPOSED LEGEND

- ① - ITEM 448-1" ASPHALT CONCRETE SURFACE COURSE, TYPE 1
- ② - ITEM 448-2" ASPHALT CONCRETE INTERMEDIATE COURSE, TYPE 1
- ③ - ITEM 301-9" BITUMINOUS AGGREGATE BASE
- ④ - ITEM 304-6" AGGREGATE BASE
- ⑤ - ITEM 407-TACK COAT
- ⑥ - ITEM 408-PRIME COAT
- ⑦ - ITEM 204 - SUBGRADE COMPACTION
- ⑧ - ITEM 254spec-SHOULDER MATERIAL SHALL CONSIST OF THE PAVEMENT PLANING MATERIAL
- ⑨ - ITEM 254-2" PAVEMENT PLANING
- ⑩ - ITEM 659-SEEDING AND MULCHING
- ⑪ - ITEM 209spec-LINEAR GRADING
- ⑫ - ITEM 448spec-3' WIDTH PAVEMENT FABRIC

DATE: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

*5030 7-0
pose 7-0*
CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 144 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to accept the 2004 Assistance to Firefighters Grant from the U.S. Department of Homeland Security, 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 accept the 2004 Assistance to Firefighters Grant from the U.S. Department of Homeland Security in the amount of Seventy-Three Thousand Eight Hundred Eighty Dollars (\$73,880.00) for the purchase of firefighter turnout gear to be used in the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to accept the 2004 Assistance to Firefighters Grant from the U.S. Department of Homeland Security in the Massillon Fire Department.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that the grant is necessary for the purchase of firefighter turnout gear needed in the Massillon Fire Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 145 - 2004

BY: FINANCE COMMITTEE

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

\$54,000.00 to an account entitled "Salary – Probation Services" 1238.125.2110
\$ 4,000.00 to an account entitled "PERS – Probation Services" 1238.125.2230
\$ 600.00 to an account entitled "Medicare – Probation Services" 1238.125.2231

*PAY
Security
Fees
for
COURTS*

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Community Development Block Grant Fund, for the year ending December 31, 2004, the following:

\$10,000.00 to an account entitled "Walnut Hills Improvement" 1203.845.2856

Section 3:

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

\$2,000.00 to an account entitled "Supplies/Materials" 1100.325.2410

Section 4:

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

\$200.00 to an account entitled "Services/Contracts" 1237.845.2392

*web site
maint.*

Section 5:

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: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

Susp 7-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 146 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a transfer in the 2004 appropriation of 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 of the General Fund of the City of Massillon, Ohio, the following:

\$8,329.16 FROM: "School Patrol" 1100.305.2112.
TO: "Accumulated Sick" 1100.905.2150.

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 payment of accumulated sick time to be paid out. 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: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

Susp 7-0

Pass 7-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 147 - 2004

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2005, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit applications for Ohio Public Works Commission Funding for various projects for the year 2005.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit applications for the 2005 Ohio Public Works Commission Funding for various projects for the year 2005. Said projects shall be as follows:

1. Richville Drive (widening from U.S. 30 to 400' east of 16 Street)
2. 27th Street NE/Jackson Avenue (Lincoln Way East to Hankins)
3. Erie Street SE (Tremont to Nave) *Need to Revise Limits*

Section 3:

That 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 submit the various projects in order to receive Ohio Public Works Funding. 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: SEPTEMBER 7, 2004

CLERK: MARY BETH BAILEY

Passage 7-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 22 - 2004

BY COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION giving the authorization to have Massillon City Council meeting sessions broadcasted.

WHEREAS, the Massillon City Council meets in regular session of the first and third Monday of each month and in special sessions when called according to council rules and the Ohio Revised Code, and

WHEREAS, the business conducted at the meetings of the Massillon City Council is the business of the citizens of Massillon who elected the council; and

WHEREAS, the Massillon City Council desires for the public to be well informed as to the proceedings and decisions of the Massillon City Council; and

WHEREAS, newspaper reports alone cannot always completely convey the contents of the meetings that might be important to each and every citizen.

THEREFORE BE IT RESOLVED;

That the Massillon City Council is agreeable to cooperate with any responsible broadcaster to promote and enable the broadcasting or re-broadcasting of Massillon City Council meetings in a manner that does not disrupt or interfere with the conduct of the meetings and that the Massillon City Council is interested in proposals from parties which are able to broadcast or re-broadcast the meetings.

manner
PASSED THIS _____ DAY OF _____ 2004

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

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