

AGENDA

DATE: MONDAY, FEBRUARY 7, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M.

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL

A. SWEARING IN OF JAYNE A. FERRERO AS COUNCILWOMAN AT LARGE

B. ADOPTION OF COUNCIL COMMITTEE ASSIGNMENTS

2. INVOCATION BY COUNCILMAN TOM WEBER

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. 10 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

125 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to R-1 One Family Residential.

ORDINANCE NO. 11 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

136 **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 One Family Residential to RM -1 Multiple Family Residential.

ORDINANCE NO. 12 – 2005

BY: ENVIRONMENTAL COMMITTEE

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

ORDINANCE NO. 13 – 2005

BY: PARKS AND RECREATION COMMITTEE

P **AN ORDINANCE** amending Ordinance No. 168 – 2004 by securing the agreement with the Massillon Municipal Court for payments received towards the recently purchased buildings from the State of Ohio, and declaring an emergency.

ORDINANCE NO. 14 – 2005

BY: PARKS AND RECREATION COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Raymond Bush for the provision of supplemental services at The Legends Golf Course, and declaring an emergency.

ORDINANCE NO. 15 – 2005

BY: PARKS AND RECREATION COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract without competitive bidding with James Martin as the Equipment Mechanic for the Parks and Recreation Department for the year 2005, and declaring an emergency.

ORDINANCE NO. 16 – 2005

BY: RULES, COURTS AND CIVIL SERVICE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT of Ordinance No. 127 – 1997 by repealing Section 2 (D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT, and enacting a new section 2(D) OCCUPATION LIST OF CLASS TITLES – INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 17 – 2005

BY: RULES, COURTS AND CIVIL SERVICE

AN ORDINANCE authorizing the Mayor to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon, Ohio to have a prosecutor specifically for domestic violence cases, and declaring an emergency.

ORDINANCE NO. 18 – 2005

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY

AN ORDINANCE vacating a portion of a certain public alley.

ORDINANCE NO. 19 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids, and enter into contract upon award of the Board of control, with the lowest and best bidder for various items needed for the use in various departments of the city, and declaring an emergency.

ORDINANCE NO. 20 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE repealing Ordinance No. 213 – 1999, and establishing a new fee for administrative costs in regards to bad checks issued to the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 21 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE establishing a fund entitled "Lincoln Center III Escrow" and creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 22 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Auditor to pay various 2004 bills that have been received and that will be received by his office between January 1, 2005 and March 1, 2005, out of the 2005 appropriations within the various departments of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 23 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, and declaring an emergency.

ORDINANCE NO. 24 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE making a transfer in the 2005 appropriations from the Parks & Rec. Capital Fund to State Hospital Endowment Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 25 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE establishing a capital project fund entitled "Lincoln Way West Project" and creating line items within said fund, and declaring an emergency.

ORDINANCE NO. 26 – 2005

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Way West Project, Muni Road Fund, Wastewater Treatment Fund, Street M & R Fund, Capital Improvement Fund, State Hospital Endowment Fund, Parks & Recreation Capital Fund and the General Fund, for the year ending December 31, 2005, and declaring an emergency.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM JAMES D FILHOUR DBA FILHOURS FAMILY MARKET 1014 AMHERST RD NE., MASSILLON, OHIO 44646 TO HAROLD E GIBSON DBA GIBSON FAMILY CARRYOUT 1014 AMHERST RD NE., MASSILLON, OHIO 44646.

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR JANUARY 2005
- B). AUDITOR SUBMITS MONTHLY REPORT FOR JANUARY 2005
- C). FIRE CHIEF SUBMITS 2004 ANNUAL REPORT

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBER
13. CALL OF THE CALENDAR

Charles Street Name Agreement

ORDINANCE NO. 194 – 2004

BY: COMMUNITY DEVELOPMENT COMMITTEE

P
6-2
Glen + Gloria
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 I-1 light Industrial.

14. THIRD READING ORDINANCES AND RESOLUTIONS

P
ORDINANCE NO. 1 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE repealing Ordinance No. 127 – 1994 and rescinding the Enterprise Zone Agreement with the Allegheny Ludlum Corporation (later Lukens Steel Company), and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS
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

- *TARGET - Moundy Service Road.*
- *S:PPD Cham Link Kiosk.*

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 10 - 2005

1st reading
LEGISLATIVE DEPARTMENT

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from I-1 Light Industrial to R-1 One Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from I-1 Light Industrial to R-1 One Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on January 12, 2005 and that notice and public hearing has been given according to law.

Section 2:

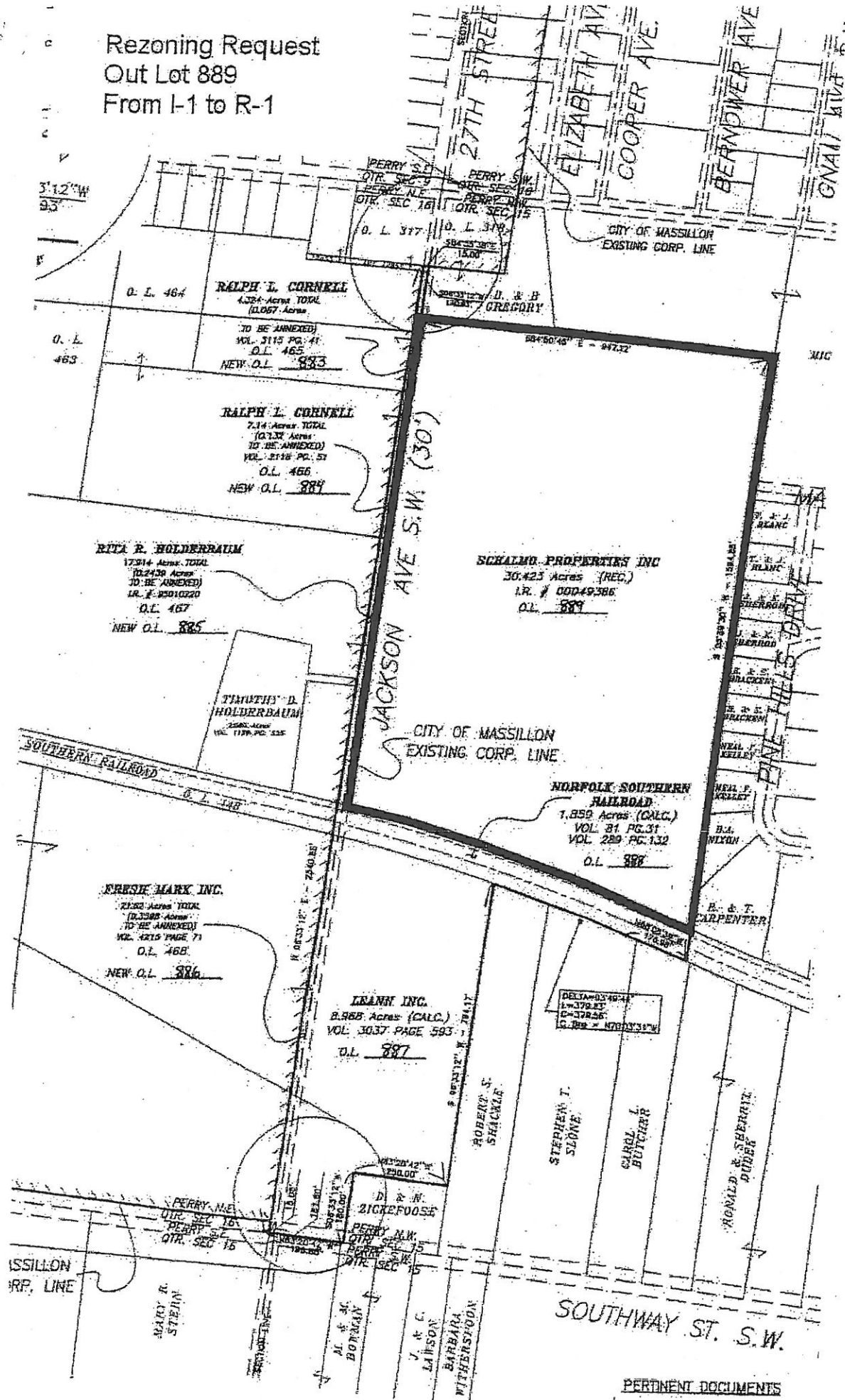
The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as R-1 One Family Residential.

Being known as Out Lot 889, a 30.423 acre parcel located on the east side of 27th Street SE, between Harsh Avenue SE and Southway Street. The applicant is the City of Massillon. City of Massillon plans to rezone this property in conformance with the court settlement resulting in the annexation of this property to the city.

Section 3:

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

Rezoning Request
Out Lot 889
From I-1 to R-1



SETTLEMENT AND RELEASE OF ALL CLAIMS

Now comes Robert Sanderson, agent for the petitioners for the Schalmo Properties Area Annexation, Francis H. Cicchinelli, Jr., Mayor for the City of Massillon, Board of Trustees for Perry Township, Stark County, Ohio, all of who agree to settle, adjust and dismiss all claims except as set forth herein in the case captioned Board of Trustees for Perry Township, Stark County, Ohio vs. Robert Sanderson et. al., Case No. 2001-CVO-0373, before Judge John G. Haas in the Stark County Common Pleas Court.


The parties agree to settle, resolve, and dismiss, mutually, and with prejudice, all claims and issues as set forth in the captioned lawsuit under the following terms and conditions:

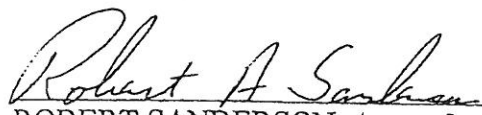
1. The Board of Trustees for Perry Township, Stark County, Ohio shall immediately withdraw any opposition to the annexation petition known as the Schalmo Properties Area Annexation as said annexation was approved by the Board of Stark County Commissions by Resolution adopted January 30, 2001
2. The agent for the petitioners and the City of Massillon, agree to rezone the property, following acceptance of the annexation by the City, and upon request of the property owner, to R-1 Single and R-T Two Family Residential Zoning, and to only permit the development of the annexed area pursuant to these zoning classifications, and to maintain the minimum rear yard set back as set forth in said zoning classifications;
3. To not permit any access or connector streets through the Pine Hills Allotment, and to limit the development's ingress and egress to 27th Street, and other City of Massillon streets, and;

4. To not oppose the Board of County Commissioner's vacation of the Marta Avenue Extension as set forth in the attached enclosure.

It is fully understood and agreed that this is in contemplation of the within captioned lawsuit and shall be binding and enforceable upon the signators hereto, their successors and assigns.

That upon the execution of this Settlement and Release of all claims the Board of Trustees for Perry Township, Stark County shall dismiss with prejudice at the township cost the lawsuit described herein.


City of Massillon by
FRANCIS H. CICCHINELLI, MAYOR


ROBERT SANDERSON, Agent for
Petitioners for the Schalmo Area
Annexation

Board of Trustees for Perry Township
Stark County, Ohio by
CRAIG E. CHESSLER, Board President

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 11 - 2005

1st reading
LEGISLATIVE DEPARTMENT

2nd reading 3/25
passed 3/7

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 One Family Residential to RM-1 Multiple Family Residential.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 One Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on January 12, 2005 and that notice and public hearing has been given according to law.

Section 2:

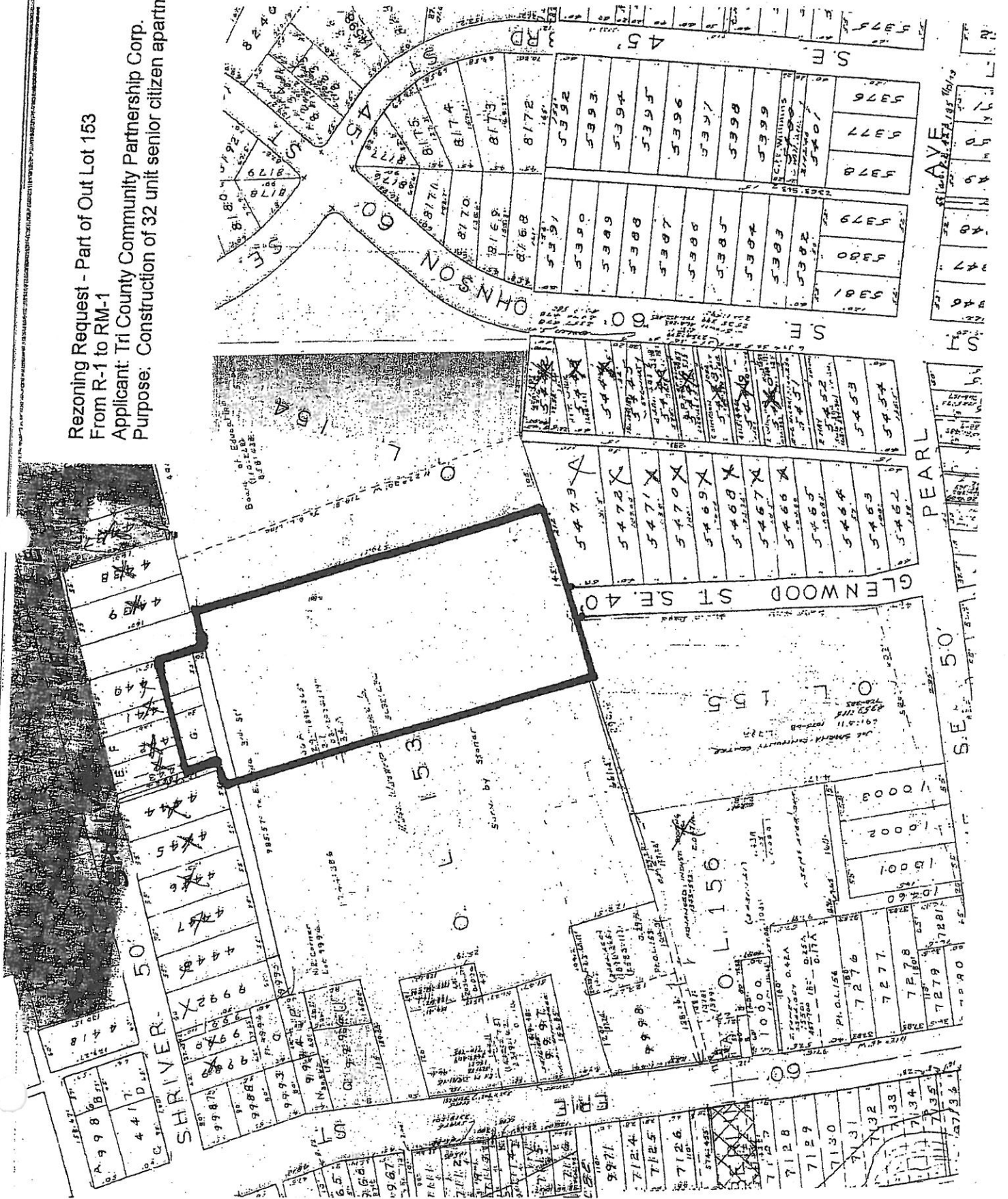
The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and is hereby amended to show the following described area as RM-1 Multiple Family Residential.

Being known as Part of Out Lot 153, a 3.209 acre parcel located between Shriver Avenue SE and Pearl Avenue SE. The applicant is Tri County Community Partnership Corporation. Tri County Community Partnership Corporation proposes to build a 32 unit senior citizens housing project.

Section 3:

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

Rezoning Request - Part of Out Lot 153
From R-1 to RM-1
Applicant: Tri County Community Partnership Corp.
Purpose: Construction of 32 unit senior citizen apartment.



DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 12 - 2005

BY: ENVIRONMENTAL COMMITTEE

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

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

Section 1:

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

Section 2:

A copy of the grant agreement is attached hereto as exhibit "A".

Section 3:

The grant is in the amount of Twenty-Five Thousand Dollars (\$25,000.00) and is accepted pursuant to the terms of the grant agreement.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the grant agreement be entered into for the efficient operation of the recycling program. 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.

**2005 RECYCLING PROGRAM GRANT AGREEMENT
STARK-TUSCARAWAS-WAYNE
JOINT SOLID WASTE MANAGEMENT DISTRICT**

THIS AGREEMENT is made and entered into this _____ day of _____, 2005 by and between the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (the District), acting by and through its Board of Directors (the Board), and the City of Massillon (the Grantee), under the circumstances summarized in the following recitals:

WHEREAS, the Grantee has submitted an application in the form attached as Exhibit A (the Application) to the District for a grant (the Grant) to provide funding for the recycling program described therein (the Program); and

WHEREAS, the Board has determined, based upon its review of the Application, that the Grant should be awarded in the amount of \$25,000.00 to provide funding for portions of the Program, and that fees levied under Division (B) of Section 3734.57 of the Revised Code and appropriated by the Board for the purpose of funding recycling programs in connection with implementation of the District's Solid Waste Management Plan, should be expended to fund the Grant in the amount of \$25,000.00; and

WHEREAS, the Board has authorized its Chairman and Secretary to execute and deliver this Agreement with the Grantee relating to the administration of the Grant; and

WHEREAS, the Grantee has been authorized by its governing body to enter into this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, the District and the Grantee agree as follows:

Section 1. Grant Award Disbursements to the Grantee, and Use of Disbursements

- 1.01 The District hereby awards to the Grantee the Grant in an amount not exceeding \$25,000.00 for the purpose of providing financial assistance for the Program Activities specified (as Items I, II and III, IV, the Approved Activities), that are in accordance with its form attached as Exhibit B (Fundable Expenses) in the Program Budget included in the Application. The District agrees to disburse Grant funds to the Grantee for Approved Activities in an amount not exceeding the amount set forth above. The Grantee hereby acknowledges and agrees that the amounts payable to the Grantee under this Agreement are and shall be payable solely from any moneys on deposit from time to time in the fund into which fees levied by the District under Division (B) of Section 3734.57 of the Revised Code are required to be deposited, and that amount payable to the Grantee under this Agreement are not payable from any other moneys of the District, the Board or the Solid Waste Management Policy Committee of the District (the Policy Committee) or

from any moneys of Stark County, Tuscarawas County or Wayne County (the Counties). This Agreement does not and shall not constitute a general obligation of the District, the Board, the Policy Committee or any of the Counties.

1.02 Disbursements to the Grantee. Grantee shall prepare and submit quarterly invoices, the form attached hereto Exhibit C (the Quarterly Invoice), for the expenses incurred for Approved Activities of the Program to the Board on each of the following dates:

- 1) April 30, 2005
- 2) July 31, 2005
- 3) October 31, 2005 (and)
- 4) January 31, 2006.

Grant funds shall be disbursed quarterly by the District, for actual expenses incurred, to the Grantee or a payee designated by the Grantee for Approved Activities within 30 days after receipt by the District of said invoice provided by the Grantee evidencing that the Grantee has paid expenses of Approved Activities in the amount requested to be disbursed or that the amount requested to be disbursed is due and payable for expenses incurred, each such invoice to be prepared, completed and signed in a form and a manner satisfactory to the Treasurer.

1.03 Grantee agrees that Grant funds shall be used solely to reimburse it for the payment of expenses of Approved Activities or to pay those expenses. Expenses incurred by the Grantee for items that are not a part of the Approved Activities or costs incurred for items in the Approved Activities that are in excess of the amount of the Grant shall not be reimbursed without the prior written approval of the District.

Section 2. Progress Reports

2.01 Grantee shall prepare and submit progress reports, the form attached here to as Exhibit D (the Quarterly Report), on the Status of the Program to the Board on each of the following dates, each such report to be prepared, completed, and signed in form and a manner satisfactory to the Treasurer.

- (1) April 30, 2005;
- (2) July 31, 2005
- (3) October 31, 2005 (and)
- (4) January 31, 2006.

- 2.02 Each progress report shall set forth the purpose for which Grant funds have been expended and the extent to which Program objectives have been achieved.

Section 3. Compliance with Federal and State Law

- 3.01 The Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex or any disability.
- 3.02 Neither the Grantee nor its employees are employees of the District. Grantee accepts full responsibility for payment of all unemployment compensation insurance premiums, worker's compensation premiums, all income tax deductions, pension deductions, and any and all other taxes or payroll deductions required for the Grantee and all employees engaged by the Grantee.
- 3.03 The Grantee shall carry out the aforementioned Program and administer the Grant in accordance with all applicable federal, state and local laws and all terms of this Agreement.
- 3.04 The Board shall at any reasonable time have the right of access to and right to audit any and all books and records, financial or otherwise, pertinent to the administration of this Grant. Those books and records shall be kept in a common file to facilitate audits and inspections.

Section 4. Indemnification

Grantee agrees, to the extent permitted by law, to protect, defend, indemnify and hold the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, settlements, costs or liabilities of every kind and character arising out of or in connection with any acts or omissions of the Grantee, negligent or otherwise, and its employees, officers, agents or independent contractors. Grantee agrees, to the extent permitted by law, to pay all damages, costs and expenses of the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, in defending any action arising out of the aforementioned acts or omissions.

Section 5. Miscellaneous

- 5.01 Notices: All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be given when mailed, postage prepaid, addressed as follows:

if to the District: Board of Directors
Stark-Tuscarawas-Wayne Joint Solid Waste Management District
9918 Wilkshire Blvd NE
Bolivar, OH 44612

if to the Grantee:

Either may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

- 5.02 Extent of Covenants; No Personal Liability. All covenants, stipulations, obligations and agreements of the District contained in this Agreement are and shall be deemed to be covenants, stipulations, obligations and agreements to the full extent authorized by law and permitted by the Constitution of the State. No covenant, stipulation, obligation or agreement of the District contained in this Agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future member, officer, agent or employee of the District, the Board, the Policy Committee or any committee or subcommittee thereof, in other than that person's official capacity.
- 5.03 Binding Effect. This agreement shall inure to the benefit of and shall be binding upon the District and Grantee and their respective successors and assigns, provided that this Agreement shall not be assigned by either party without the consent of the other party.
- 5.04 Amendments, Changes and Modifications. This Agreement may not be effectively amended, changed, modified or added to except by an instrument executed in the same manner as this Agreement approved by the Board and the governing body of the Grantee.
- 5.05 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
- 5.06 Severability. In case any section or provision of this Agreement, or any covenant, stipulation, obligation, agreement, act, or action, or part thereof made, assumed, entered into, or taken thereunder or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision thereof or any other covenant, stipulation, obligation, agreement, act, action or part thereof, made, assumed, entered into, or taken thereunder (except to the extent that such remainder, section, provision or other covenant, stipulation, obligation, agreement, act, action or part thereof is wholly dependent for its operation on the

provision determined to be invalid), which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, agreement, act, action, or part thereof shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.

- 5.07 Construction. The terms used in this Agreement shall be construed so as to be consistent with, and to give effect to, any applicable state or federal laws or regulations issued thereunder, but otherwise so as to confer the fullest possible authority upon the District and the Grantee to accomplish the purposes of this Agreement.
- 5.08 Captions and Headings. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
- 5.09 Laws of State Govern. This Agreement shall be deemed to be an agreement made under the laws of the State of Ohio and for all purposes shall be governed by and construed in accordance with those laws.
- 5.10 Termination of Agreement. This Agreement shall terminate on January 15, 2006, or at such earlier date as may be elected by the District if the Board hereafter determines in its sole discretion that the conduct of the Program by the Grantee is not specified in the Application, or the Grantee has not complied in any respect with the terms of this Agreement. In the event of such termination, the Grantee shall be paid only for any non cancelable obligation properly incurred by the Grantee prior to termination.

IN WITNESS WHEREOF, the District, acting by and through the Board, and the Grantee, have caused this Agreement to be executed and to be effective on the date set forth above.

THE CITY OF MASSILLON

STARK-TUSCARAWAS-WAYNE JOINT
SOLID WASTE MANAGEMENT DISTRICT

By: _____
Title

By: _____
Chairperson, Board of Directors

And By: _____
Title

Attest: _____
Secretary, Board of Directors

CERTIFICATE

As Fiscal Officer of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, I certify that the money required to meet the obligations of the District during the year 2005 under the Grant Agreement to which this Certificate is attached has been lawfully appropriated by the Board of Directors of the District for such purposes and is in the treasury of the District or is in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44 of the Ohio Revised Code.

Dated: _____, 2005

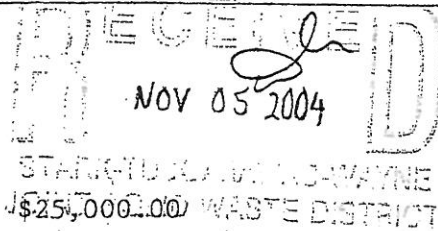
Treasurer
Stark-Tuscarawas-Wayne Joint Solid
Waste Management District

Exhibit A

STARK-TUSCARAWAS-WAYNE
JOINT SOLID WASTE MANAGEMENT DISTRICT
2005

Recycling Program Grant Application

Applicant Name: City of Massillon
Chief Executive Officer: Alan W. Climer, Director of Public Service & Safety
Contact Person: Same
Telephone: 330-830-1702 Fax Number: 330-830-1764
E-mail Address: aclimer@massillonohio.com
Mailing Address: 151 Lincoln Way East
City, State, Zip: Massillon, Ohio 44646
Name of Program: Massillon Recycling Program
Address (If Applicable): 401 Walnut Road SW, Massillon, Ohio 44647
Total Cost: \$ 55,000.00
Amount of Grant Requested: \$ 25,000.00
Did you receive grant money from the
District in 2004 X yes or no? If so, how much? \$ 25,000.00



The respective County Commissioners complete this section of the
Stark-Tuscarawas-Wayne Joint Solid Waste Management District
Board of Directors ONLY:

Recommended Amount of Grant \$

Completed grant application must be mailed to the Executive Director/Treasurer by FRIDAY, NOVEMBER 26, 2004. The County Commissioners will then prioritize the grant applications in their respective county. The Commissioners and the District staff will evaluate grants for action by the District Board of Directors within ninety days. An original and one copy of this grant application, completed and signed by or for the applicant, should be submitted to David J. Held, Executive Director, Stark-Tuscarawas-Wayne Joint Solid Waste Management District, 9918 Wilkshire Blvd NE, Bolivar, Ohio 44612.

TYPE OF PROGRAM:

_____ New Program
_____ Expansion or Revision of Existing Program
 X Renewal of Previously funded District Program

Proposed Program Period:

Proposed Starting Date: 1/1/05

Proposed Completion Date: 12/31/05

BRIEF PROGRAM OF SUMMARY (Including an explanation of how the program will benefit the District) *Please include in your summary, the contractor that removes your recyclables.*

The City of Massillon will continue to operate a drop-off recycling program at the Massillon City Garage, located at 401 Walnut Road SW, Massillon. The recycling facility will be open to the public Monday through Friday, from 7:30 a.m. to 3:30 p.m. The City will continue to contract with Republic Waste Services for hauling and processing of the materials collected.

The program will benefit the Joint Solid Waste District through the promotion and operation of a successful recycling effort involving Massillon residents.

If the program is an expansion or revision of an existing program for which the applicant has previously received a District grant, please describe how the existing program will be expanded or revised.

BACKGROUND INFORMATION

City, Township or Village Population 31,325

Number of Households 12,677

Areas to be Served by this Program Massillon City

Population to be served by this Program 31,325

Number of Employees or Volunteers that
work on this Program (please specify) 1 employee

Days and Times of Operation Monday - Friday
7:30 a.m. to 3:30 p.m.

Does your recycling program have an
advisory or recycling board Yes or X No

To avoid duplication of numbers and to assist the District for proper filing of recycling numbers to the OhioEPA, verifying the total tons recycled is necessary and to list, if any, the tonnages received by you from other local subdivisions that also received grant money from the District. We also need to know the amounts paid out of out for recycled materials, if applicable.

Total Tonnages Recycled in 2003 274.15

Total Amount Paid Out for Recycled
Materials in 2003 (if applicable): NA

<u>Local Subdivisions</u>	<u>Materials</u>	<u>Tonnage</u>	<u>Amount Paid Out</u>
<u>Massillon</u>	<u>co-Mingled</u>	<u>\$23.03</u>	<u>n/a</u>
<u>Massillon</u>	<u>Bi-Metal</u>	<u>\$18.97</u>	<u>n/a</u>
<u>Massillon</u>	<u>Paper Products</u>	<u>\$232.15</u>	<u>n/a</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please Complete the following, if applicable:

<u>Business</u>	<u>Materials</u>	<u>Tonnage</u>	<u>Amount Paid Out</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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Applicant's Program Budget

<u>Items</u>	<u>2004 Program Budget</u>	<u>2005 Program Budget</u>
I. Personnel		
A. Salaries ¹	<u>35,000</u>	<u>35,000</u>
B. Benefits ²	<u>10,000</u>	<u>10,000</u>
Total Personnel	<u>45,000</u>	<u>45,000</u>
II. Supplies		
A. General Administration Supplies	<u> </u>	<u> </u>
B. Property Maintenance/ Repair Supplies and Parts	<u> </u>	<u> </u>
C. Motor Vehicle Fuel, Supplies and Parts	<u> </u>	<u> </u>
D. Printed Materials & Information	<u> </u>	<u> </u>
E. Other Supplies ³	<u> </u>	<u> </u>
Total Supplies	<u>0</u>	<u>0</u>
III. Purchased & Contracted Services		
A. Travel & Meeting Expenses	<u> </u>	<u> </u>
B. Communications & Publicity	<u> </u>	<u> </u>
C. Property Maintenance, Repair & Security	<u> </u>	<u> </u>
D. Insurance	<u> </u>	<u> </u>
E. Rents/Leases	<u> </u>	<u> </u>
F. Utilities	<u> </u>	<u> </u>
G. Professional Services	<u> </u>	<u> </u>
H. Other Purchased & Contracted Services ⁴	<u>10,000</u>	<u>10,000</u>
Total Purchased & Contracted Services	<u>10,000</u>	<u>10,000</u>

1. Breakdown salaries from coordinators to general labor and indicate if there are payouts to volunteer groups.
2. Describe personnel benefit program, including, if applicable, policies on sick leave, vacation, health benefits and retirement plan.
3. Itemize on a separate sheet.
4. Itemize on a separate sheet.

	2004 Program <u>Budget</u>	2005 Program <u>Budget</u>
7. Capital Outlays		
A. Land		
B. Buildings		
C. Building Improvements		
D. Furniture		
E. Equipment		
F. Motor Vehicles		
G. Other Capital Outlays ⁵		
Total Capital Outlays	<u>0</u>	<u>0</u>
Total Personnel	<u>45,000</u>	<u>45,000</u>
Total Supplies	<u>0</u>	<u>0</u>
Total Purchased & Contracted Services	<u>10,000</u>	<u>10,000</u>
Total Capital Outlays	<u>0</u>	<u>0</u>
Total Budget	<u>55,000</u>	<u>55,000</u>

5. Itemize on a separate sheet.

Joint Solid Waste Management District Grant Application
City of Massillon Recycling Program
Proposed Program Budget For 2005

<u>Expenditure Category</u>	<u>City Funds</u>	<u>District Grant</u>	<u>Total Budget</u>
I. <u>Personnel</u>			
A. Salaries - Cost of one City employee to man the recycling facility at the City garage.	20,000	15,000	35,000
B. Benefits - City fringes & benefits, including hospitalization/eye/dental/prescription drugs; life insurance; P.E.R.S.; Workers Comp; Uniform Allowance; Union Health & Welfare	10,000	0	10,000
II. <u>Supplies</u>			
A. Printed materials	0	0	0
III. <u>Purchased and Contracted Services</u>			
H. Other Purchased & Contract Services: City contract with recycling company to haul away and process recyclables from the City permanent drop-off location at the City garage.		10,000	10,000
<hr/>			
Total 2005 Recycling Program Budget	30,000	25,000	55,000

Status of City Funding Sources: City funds will be provided from the General Fund and the Solid Waste Fund.

Joint Solid Waste Management District Grant Application
City of Massillon Recycling Program
Program Budget For 2004

<u>Expenditure Category</u>	<u>City Funds</u>	<u>District Grant</u>	<u>Total Budget</u>
I. <u>Personnel</u>			
A. Salaries - Cost of one City employee to man the recycling facility at the City garage.	20,000	15,000	35,000
B. Benefits - City fringes & benefits, including hospitalization/eye/dental/ prescription drugs; life insurance; P.E.R.S.; Workers Comp; Uniform Allowance; Union Health & Welfare	10,000	0	10,000
II. <u>Supplies</u>			
A. Printed materials	0	0	0
III. <u>Purchased and Contracted Services</u>			
H. Other Purchased & Contract Services: City contract with recycling company to haul away and process recyclables from the City permanent drop-off location at the City garage.		10,000	10,000
<hr/>			
Total 2004 Recycling Program Budget	30,000	25,000	55,000

Status of City Funding Sources: City funds will be provided from the General Fund and the Solid Waste Fund

Programs Funding Sources for 2005

For Non-capital Outlays	Dollars	%
A. Private Contributions		
1. In-Kind (value of)	\$ _____	_____ %
2. Money	\$ _____	_____ %
B. Public Revenues		
1. Local Government	\$ 30,000	55 %
2. State of Ohio	\$ _____	_____ %
3. Federal Programs	\$ _____	_____ %
C. Income	\$ _____	_____ %
D. District Grant Amount Requested	\$ 25,000	45 %
Total Funding Sources for Non-capital Outlays	\$ 55,000	100 %
II. For Capital Outlays		
A. Private Contributions		
1. In-Kind (value of)	\$ _____	_____ %
2. Money	\$ _____	_____ %
B. Public Revenues		
1. Local Government	\$ _____	_____ %
2. State of Ohio	\$ _____	_____ %
3. Federal Programs	\$ _____	_____ %
C. Income	\$ _____	_____ %
Total Funding Sources of Capital Outlays	\$ 0	0 %
Total Funding Sources of all Outlays	\$ 55,000	100 %

Status of Other Funding Sources

Attach documentation as to availability, including timing, and describe or attach documentation as to any statutory or contractual conditions regulation the expenditure of funds from a particular source.

Disbursement of Grant Funds and Progress Reports

Disbursements of the grant will be made according to the submission of the quarterly progress reports. Quarterly progress reports will be due April 30, 2005; July 31, 2005; October 31, 2005; and January 31, 2006. Also filed quarterly, will be a statement of expenses incurred to date.

Application Certification

The undersigned certifies that he or she is legally empowered to represent the Applicant in both requesting and accepting the financial assistance requested by this application and to the best of his or her knowledge correct.

The undersigned, acknowledges that should the requested grant be approved, the Applicant will be required to enter an agreement with the District providing for the payment and to be used by the Applicant of grant funds, including appropriate documentation as to the use of grant funds and the filing of quarterly reports with the District as to the operation of the Program.

Alan W. Climer

Certifying Representative (Please Type Name)

Director of Public Service & Safety

Title of Certifying Representative (Please Type Name)

Alan Climer

Signature

11/4/04
Date

DATE: FEBRUARY 7, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 13 - 2005

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 168 - 2004 by including additional provisions concerning an agreement with the Massillon Municipal Court regarding payment for and use of the buildings being purchased, and declaring an emergency.

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

Section 1:

Ordinance No. 168 - 2004 a copy of which is attached hereto as Exhibit "A" be and is hereby amended.

Section 2:

The following provision is hereby inserted into Ordinance No. 168 – 2004:

In consideration of the Massillon Municipal Court District's ("Court") contribution of \$50,000.00 towards the lease and purchase of the real estate and five (5) buildings described herein, the Court, or its designee, is granted the right to use, occupy, and improve the buildings and identified adjoining lands consisting of parking lots, driveways, and access roads known as "McKinley Hall Administrative Building" and the "Protestant Chapel." The City shall remain the owner of all buildings and real estate with improvements located thereon. The Court is authorized to attract and secure potential tenants for said buildings until June 30, 2005. The Court or its designee shall not be required to pay rent for the use and occupancy of the two buildings and identified adjoining real estate with improvements located thereon. The City will also pursue potential tenants during this time, giving the Court first right of refusal until the expiration of the Court's authority.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary for the funds to be applied towards the purchase of the buildings from the State of 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 _____, 2005

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: NOVEMBER 1, 2004

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 168 - 2004

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control, 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 offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to enter into an offer to purchase and interim lease agreement between the City of Massillon and the State of Ohio for the lease and purchase of surplus property located at the Heartland Behavioral Health Center, upon the approval of the Board of Control.

Section 3:

The cost of said property shall be Five Hundred Seventy-Nine Thousand Dollars (\$579,000.00). The Municipal Court is contributing Fifty Thousand Dollars (\$50,000) toward the purchase and the balance shall be paid from Parks and Recreation Department Funds in accordance with the terms of the lease and purchase agreement.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the contract agreement be entered into for the purchase of surplus property currently owned by the State of Ohio. The property will be utilized for various departmental use for the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2004

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

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

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 14 - 2005

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract without competitive bidding with Raymond Bush for the provision of supplemental services at The Legends Golf Course, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into a contract without competitive bidding with Raymond Bush for the provision of supplemental services at The Legends Golf Course.

Section 2:

The contract shall not exceed and shall be for a one year period at no cost to the City, upon the terms and conditions of Exhibit "A" attached hereto.

Section 3:

This Ordinance is here by declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that a golf professional be in place prior to the 2005 season opening of The Legends Golf Course in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

CITY OF MASSILLON
Supplemental Agreement

This Supplemental Services AGREEMENT is made this _____ day of _____, 2005, by and between the City of Massillon, hereinafter called "City" and Raymond S. Bush, hereinafter called the "Golf Professional".

1. Term. The City does hereby agree to contract with the Golf Professional to perform supplemental services at the City's municipal public golf course (The Legends of Massillon) for a period of twelve (12) months from approximately January 6, 2005 – January 5, 2006. If the commencing date would have to be delayed at the option of the City, the expiration date of the AGREEMENT will be extended accordingly.

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

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

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

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

_____ day of _____, 2005.

ATTEST

THE CITY OF MASSILLON, OHIO

Witness

Mike Loudiana, Director of Public Service and Safety

ATTEST

GOLF PROFESSIONAL

Witness

Raymond S. Bush

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 15 - 2005

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a contract, without competitive bidding, with James Martin as the Equipment Mechanic for the Parks and Recreation Department for the year of 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 Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract without competitive bidding, with James Martin as the Equipment Mechanic for the year of 2005. The cost of said contract shall not exceed Twenty- Four Thousand Dollars (\$24,000.00) payable in monthly payments at a rate of Fifteen Dollars (\$15.00) an hour for the period of Forty (40) weeks for the Massillon Parks and Recreation Department.

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 equipment maintenance at the Massillon Parks and Recreation 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.

CITY OF MASSILLON

Independent Contractor Agreement

This agreement made this _____ day of _____, 2005, by and between the City of Massillon, hereinafter called "City" and Jim Martin, hereinafter called the "Mechanic", of Address: 723 Taylor Street, S.W. * Massillon, Ohio 44647 Home phone number: 330-806-1154

The City does hereby agree to contract with the Mechanic to provide mechanical repair and maintenance services for the City of Massillon Parks and Recreation Department from approximately February 1, 2005 – November 30, 2005.

Mechanic shall provide maintenance and repair services on an hourly basis for the maintenance, repair and service of the vehicles, machinery, and equipment of the City.

The City will pay the Mechanic for his services under this AGREEMENT at a rate of \$15.00/hr during the period of this AGREEMENT for services performed by the mechanic. Mechanic must submit monthly invoices for services rendered with accompanying timecards detailing the hours spent by Mechanic each month and such invoices shall be paid by City according to its usual custom for payment of invoices.

The City will provide support employees as needed and available to assist Mechanic with any maintenance work. The City will also provide all necessary tools and parts to effectively perform duties.

Mechanic is an independent contractor and is responsible for the control, direction, and completion of his work. As such, neither federal, nor state, nor local income tax, nor payroll tax of any kind shall be withheld nor paid by City on behalf of Contractor. Contractor shall not be treated as an employee with respect to services performed hereunder for federal or state purposes.

Because Contractor is engaged in his own independent business, he is not eligible for, and shall not participate in, any pension, health or fringe benefit plan of the City.

Contractor understands that he, alone, is responsible to pay according to law, his own income taxes. If Contractor is not a corporation, he further understands that he may be liable for self-employment (social security) tax to be paid by it according to law.

The AGREEMENT will be in effect unless terminated by either party as provided for herein. The City or Mechanic may terminate the AGREEMENT at anytime, for any reason, two (2) weeks after written notice has been given to the appropriate party.

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

_____ day of _____, 2005.

ATTEST

THE CITY OF MASSILLON, OHIO

Witness

Mike Loudiana, Director of Public Service and Safety

ATTEST

MECHANIC

Witness

Jim Martin

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

not reading
LEGISLATIVE DEPARTMENT
passed 8/22

ORDINANCE NO. 16 - 2005

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, SEWER O & M DEPARTMENT AND THE SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - INCOME TAX DEPARTMENT, SEWER O & M AND THE SOLID WASTE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT "A" PAGE 7; AND INSERT IN THE SALARY ORDINANCE NO. 127 - 1997)

Section 3:

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary to employ additional personnel within the Wastewater Treatment 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.

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION	
		<u>BAILIFF</u>	135
	EL	Bailiffs	
		<u>PLANNING DEPARTMENT</u>	140
	MS	<u>PART TIME/TEMPORARY/SEASONAL</u>	
		Secretary - Planning Board	
		<u>CIVIL SERVICE COMMISSION</u>	150
12S	CL	Civil Service Administrator (1)	
9S	CL	Clerk Administrator	
	MS	Chairman (Appointed by Mayor)	
	MS	Members (Appointed by Mayor)	
		<u>SERVICE DEPARTMENT</u>	160
26S	SU UN	Safety Service Director	
9S	UN	Secretary	
		<u>DATA CENTER</u>	170
15S	SU UN	Data Center Chief (Split 1/3)	
		<u>HUMAN SERVICES DEPARTMENT</u>	175
22S	SU UN	E.E.O./M.B.E. Director/Drug Coordinator	
6S	UN	Clerk Typist II	
		<u>AUDITOR DEPARTMENT</u>	205
	EL	Auditor	
14S	UN	Chief Deputy Clerk	
13S	UN	Deputy Clerk	
12S	UN	Deputy Auditor	
9S	UN	Deputy Account Clerk II	
8S	UN	Deputy Account Clerk II	
6S	UN	Deputy Clerk Typist II	
		<u>PART TIME/TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	
		<u>INCOME TAX DEPARTMENT</u>	210
20S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)	
12S	UN	** Investigator/Administration Assistant	
11S	UN	Deputy Tax Administrator	
9S	UN	Senior Auditor	
8S	UN	Income Tax Auditor	
6S	UN	Cashier/Receptionist	
5S	UN	Deputy Clerk Typist II	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Auditor	
	MS	Cooperative Business Education Student	
	MS	**Investigator \$17.50 per hour	
		<u>TREASURER</u>	215
	EL	Treasurer	
		<u>PART TIME TEMPORARY/SEASONAL</u>	
	MS	Clerk Typist	

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		<u>CON'T. RECREATION DEPARTMENT</u>
	MS	Program Coordinator II
	MS	Program Coordinator I
	MS	Security
	MS	Clerk/Receptionist
	SE	Laborer-1
	SE	Laborer-2
	SE	Laborer-3
	SE	Laborer-4
	SE	Laborer-5
	SE	Laborer-6
	SE	*Laborer-7
		<u>PART TIME/TEMPORARY/SEASONAL</u>
	MS	Custodian
	MS	Program Coordinator I/Laborer I
	MS	Program Coordinator II/Laborer II
	MS	Program Coordinator III/Laborer III
	MS	Clerk
	MS	Clerk/Typist
		<u>SOLID WASTE DEPARTMENT</u> 620
22S	SU UN	Operations Superintendent (Split 1/3)
20S	SU UN	**Collection Supervisor/Tax Administrator (Split 1/3)
12S	CL	Collection Clerk Administrator
11S	CL	Collection Clerk Administrator
8S	CL	Billing Clerk
7S	UN	Account Clerk II Typist
6S	UN	Account Clerk I
16H	A	Sanitation Group Leader
14H	A	Refuse Collection Foreman
14H	A	*Truck Driver - Foreman
12H	A	Truck Driver
11H	A	Laborer II
10H	A	Storekeeper (Split ½)
9H	A	Laborer I
9H	A	*Clerk-Dispatcher II
6H	A	Clerk-Dispatcher I
3H	A	Clerk-Dispatcher
1H	A	Temporary Labor
		<u>PART TIME/TEMPORARY/SEASONAL</u>
	MS	Clerk
		<u>WASTEWATER TREATMENT</u> 610 - 615
27S	SU UN	Manager
22S	SU CL	Operations Superintendent
22S	SU CL	Maintenance Superintendent

CLASS

GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		<u>CON'T WASTEWATER TREATMENT</u>
22S	CL	*Collection System Superintendent
20S	CL	Industrial Pretreatment Coordinator
20S	SU CL	Maintenance Supervisor
20S	SU CL	Construction Superintendent
20S	UN	Design Superintendent
20S	CL	Laboratory Technician II
18S	CL	Industrial Pretreatment Inspector
18S	CL	Instrument Electrician II
18S	CL	Chief Main. Mechanic/Coll Sys. Inspector
20S	UN	Collection System Technician II
20S	SU UN	**Collections Supervisor/Tax Administrator (Split 1/3)
16S	CL	Instrument Electrician I
16S	UN	Collection System Technician I
12S	CL	Laboratory Technician I
12S	UN	Administrative Assistant
12S	CL	*Engineer Aide II
11S	UN	Investigator/Administrative Assistant
9S	CL	Account Clerk
9S	UN	Asst to Manager/Superintendent/Adm Asst
9S	UN	Account Clerk II Typist
8S	UN	Account Clerk II Typist
8S	UN	Laboratory Asst/Admin.. Aide
7S	UN	Account Clerk II Typist
6S	UN	Secretary
3S	UN	Clerk Typist I
16W	WW	Chief Operator
16W	WW	Collection System Crew Chief
16W	WW	Chief Maintenance Mechanic
15W	WW	Operator III
15W	WW	Maintenance Mechanic III (w/class III license)
14W	WW	Maintenance Mechanic II (w/class II license)
14W	WW	Vactor Operator
14W	WW	Operator II (w/class II license)
14W	WW	Sewer Inspector
13W	WW	Operator I (w/class I license)
13W	WW	Maintenance Mechanic I
13W	WW	Light Equipment Operator
12W	WW	Operator (w/o license)
11W	WW	Laborer II
9W	WW	Laborer I
1W	WW	Temporary Labor

CLASS
GRADE

SCHEDULE

DEPARTMENT & TITLE DESCRIPTION

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 17 - 2005

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to have a prosecutor specifically for domestic violence cases, 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 to the public health, safety and welfare of the community to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to have a prosecutor specifically designated to prosecute for domestic violence cases.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to accept a Domestic Violence Prosecutor Grant that will allow the City of Massillon to hire a prosecutor specifically designated to prosecute for domestic violence cases.

Section 3:

The amount of the Domestic Violence Prosecutor Grant shall be Thirty-Six Thousand Dollars (\$36,000.00). The city will be responsible for the remaining cost of Twelve Thousand One Hundred Thirty-Seven Dollars (\$12,137.00).

Section 4:.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that the grant is necessary to provide the Law Department with and allow the City of Massillon to have a prosecutor handle cases specifically for domestic violence. This will be in accordance with Violence Against Women Act (VAWA). 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 _____ 2005

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

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

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 18 - 2005

1st reading
2nd reading 3/7
passed

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

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

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

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

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

Section 1:

A request to vacate a 10 foot wide unimproved public alley lying between Connecticut Avenue SE and Rhode Island Avenue SE, and running in an east/west direction between 19th Street SE and 20th Street SE. The request is to vacate that portion of the alley from the southeast corner of Lot 6464 westerly approximately 174 feet. This vacation plat is on file in the City Engineer's Office and was approved by the City Planning Commission on January 12th, 2005. The said vacation is hereby approved, adopted and confirmed.

Section 2:

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

Alley Vacation -- Connecticut Avenue SE

Location and Description: A portion of a 10-foot wide public alley lying between Connecticut Avenue SE and Rhode Island Avenue SE, and running in an east-west direction between Russell Boulevard SE and 20th Street SE. The request is to vacate that portion of this alley from the southwest corner of Lot 6467 easterly approximately 347 feet to the southeast corner of Lot 6460

Applicants: Anna Huffman



DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 19 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids, and enter into contract upon award of the Board of Control, with the lowest and best bidder for various items needed for the use in various departments of the city, 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 various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to advertise for, receive sealed bids, and enter into contract with the lowest and best bidder for various items needed for the use in various departments of the city, said items listed on Exhibit "A" attached hereto.

Section 3:

This Ordinance is declared to be an emergency measure for the reason that the items listed on Exhibit "A" attached hereto are needed for the efficient operation of the city, and due to the time involved in advertising and bid process it must be commenced immediately so that the items are available for use as soon as possible as the various items are needed for the efficient operation of the various departments. 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.

BID FORM

City Garage
401 Walnut Road SW
Massillon, Ohio 44647
330-833-5746

STREET DEPARTMENT

1. Asphalt of H.P.M. cold mix (loaded on City trucks) \$ _____ ton
2. 402, 404 fine top asphalt hot mix under 200 tons daily 402 \$ _____ ton
(loaded on City trucks) 404 \$ _____ ton
3. 402, 404 fine top asphalt hot mix over 200 tons daily 402 \$ _____ ton
(loaded on City trucks) 404 \$ _____ ton
4. 412 sand and fine top asphalt hot mix (loaded on City trucks) \$ _____ ton
5. 301 base asphalt hot mix (loaded on City trucks) \$ _____ ton
6. 10,000 pounds, more or less, as the City may require of crack sealant for City streets:
 - a) RS-221, sealant meets ODOT 705.04 specifications (a) \$ _____ lb.
 - b) RS-201 sealant (b) \$ _____ lb.
 - c) Polyfiber sealant (c) \$ _____ lb.
7. SS-921 cold mix asphalt (loaded on City trucks) \$ _____ ton
8. 702.04 MS-2 (tack coat No. 407) furnished and applied at one tenth (1/10th) gallon per sq. yard \$ _____ gal.

MISCELLANEOUS

9. 200 tons, more or less, No. 4 gravel and limestone gravel \$ _____ ton
(Loaded on City trucks) limestone \$ _____ ton
10. 500 tons, more or less, No. 57 gravel and limestone gravel \$ _____ ton
(Loaded on City truck) limestone \$ _____ ton

11. 2,000 tons, more or less, as the City may require, of Grit (hailed by City trucks) \$ _____ ton
12. Bids for the purpose of purchasing fuel at an off-site location for all City owned vehicles. Specifications available at the Safety-Service Director's office.

WASTEWATER TREATMENT PLANT

13. 3,000 gallon 50% Caustic Soda; Tech Grade,
Liquid delivered \$ _____ gal.
- 3,000 gallon Sodium Hypochlorite, delivered \$ _____ gal.

Most contracts are effective for a one-year period.

GOLF COURSE and PARKS AND RECREATION DEPARTMENTS

14. Chemicals - specifications available at the Safety-Service Director's office
15. Fertilizers - specifications available at the Safety-Service Director's office
16. Sand - specifications available at the Safety-Service Director's office
17. Mulch - 200 yards, more or less, brown bark mulch - City will pick up \$ _____ yd.
18. Play Ground Surface -- 200 yards, more or less, double ground oak, delivered \$ _____ yd.

Golf Course items are to be delivered to The Legends Golf Course at 2100 Nave Road SE Massillon, Ohio. Play ground surface is to be delivered to Reservoir Park on Reservoir Drive, Massillon, Ohio.

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 20 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Ordinance No. 213 - 1999, and establishing a new fee for administrative costs in regards to bad checks issued to 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:

Ordinance No. 213 - 1999 be and is hereby repealed.

Section 2:

There be and is hereby established a fee of Forty Dollars (\$40.00) for administrative costs in regard to bad checks issued to the City of Massillon, Ohio.

Section 3:

This Ordinance is hereby declared to be an emergency measure by reason of said fee being necessary for the orderly administration of all departments within the City of Massillon, Ohio, and for the preservation of the public health, safety and welfare. 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 _____ 2005

APPROVED _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 21 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a fund entitled "Lincoln Center III Escrow", and creating line items within said fund, 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 is hereby established within the City of Massillon, Ohio, a fund entitled "Lincoln Center III Escrow", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw his warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary in order to keep federal grant dollars in one specific fund as recommended by the State Auditor for accounting procedures within the Auditor's 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.

DATE: February 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 22 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Auditor to pay various 2004 bills that have been received and that will be received by his office between January 1, 2005 and March 1, 2005, out of the 2005 appropriations within the various departments 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:

The Council of the City of Massillon, Ohio, hereby finds it necessary to authorize the City Auditor to pay various 2004 bills that have been received and that will be received by his office between January 1, 2005 and March 1, 2005, out of the 2005 appropriations within the various departments of the City of Massillon, Ohio,

Section 2:

The City Auditor is hereby authorized and directed to pay various 2004 bills that have been received and that will be received by his office between January 1, 2005 and March 1, 2005, out of the 2005 appropriations within the various departments of the City of Massillon, Ohio.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary to pay various 2004 bills that will be submitted to the City Auditors office between January 1, 2005 and March 1, 2005, 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.

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 23 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one year contract with the City of Canal Fulton, for the purpose of providing prosecutorial services, 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 for the Director of Law of the City of Massillon, Ohio, to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services.

Section 2:

The Director of Law of the City of Massillon, Ohio, is hereby authorized to enter into a one year contract with the City of Canal Fulton for the purpose of providing prosecutorial services. The cost of said contract to the City of Canal Fulton shall not exceed Twenty Thousand Dollars (\$20,000.00).

Section 2:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community and for the additional reason the City of Canal Fulton has requested the Director of Law of the City of Massillon, Ohio, to prosecute all criminal and traffic cases that come before the Massillon Municipal Court. 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.

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 24 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making a transfer in the 2005 appropriation from the Parks & Rec. Capital Fund to State Hospital Endowment 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 a transfer in the 2005 appropriation from the Parks & Rec. Capital Fund of the City of Massillon, Ohio, the following:

\$250,000.00 FROM: "Parks & Rec. Capital Fund" 1433.505.2710
\$250,000.00 TO: "State Hospital Endowment Fund" 1370.905.1860

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the purchase of the State Hospital buildings from the State of 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 _____ 2005

APPROVED _____
MARY BETH BAILEY, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 25 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing a capital project fund entitled "Lincoln Way West Project", and creating line items within said fund, 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 is hereby established within the City of Massillon, Ohio, a capital project fund entitled "Lincoln Way West Project", and creating line items within said fund.

Section 2:

The City Auditor is hereby authorized and directed to draw his warrants and make payments on vouchers duly approved by the proper departmental authority.

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary in order to keep federal grant dollars in one specific fund as recommended by the State Auditor for accounting procedures within the Auditor's 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.

DATE: FEBRUARY 7, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 26 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Lincoln Way West Project, Muni Road Fund, Wastewater Treatment Fund, Street M & R Fund, Capital Improvement Fund, State Hospital Endowment Fund, Parks & Recreation Capital Fund and the General Fund, for the year ending December 31, 2005, 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 Lincoln Way West Project, for the year ending December 31, 2005, the following:

\$2,994,549.32 to an account entitled "Lincoln Way West Project" 1481.435.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Muni Road Fund, for the year ending December 31, 2005, the following:

\$458,438.00 to an account entitled "Lincoln Way West Project Share" 1409.435.2399

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund, for the year ending December 31, 2005, the following:

\$300.000.00 to an account entitled "Lincoln Way West Project Share" 2101.610.2399

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Street M & R Fund, for the year ending December 31, 2005, the following:

\$175,160.00 to an account entitled "Lincoln Way West Project Share" 1201.435.2399

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Capital improvement Fund, for the year ending December 31, 2005, the following:

\$25,000.00 to an account entitled "Lincoln Way West Project Share" 1401.435.2399

Section 6:

There be and hereby is appropriated from the unappropriated balance of the State Hospital Endowment Fund, for the year ending December 31, 2005, the following:

\$300,000.00 to an account entitled "Purchase of Property" 1370.905.2510

Section 7:

There be and hereby is appropriated from the unappropriated balance of the Parks & Recreation Capital Fund, for the year ending December 31, 2005, the following:

\$250,000.00 to an account entitled "Transfer To" 1433.505.2710

Section 8:

There be and hereby is appropriated from the unappropriated balance of the General Fund, for the year ending December 31, 2005, the following:

\$66,492.00 to an account entitled "Safety Equipment" 1100.325.2530

Section 9:

There be and hereby is appropriated from the unappropriated balance of the Wastewater Treatment Fund, for the year ending December 31, 2005, the following:

\$17,000.00 to an account entitled "Vehicle Leases" 2101.610.2531

Section 10:

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.