

## AGENDA

DATE: TUESDAY, SEPTEMBER 6, 2005

PLACE: COUNCIL CHAMBERS

TIME: 7:30 P.M. *8:00 PM*

THERE ARE NO PUBLIC HEARINGS TONIGHT

1. ROLL CALL *CHUCK MAIER*
2. INVOCATION BY COUNCILMAN CHUCK MAIER
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

### ORDINANCE NO. 89 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*5030  
8-0  
P.D.  
8-0*  
AN ORDINANCE accepting the Final Plat and dedication of various streets for Sippo Reserves Allotment Phase I, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

### ORDINANCE NO. 90 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*135 P.M. 10-3-05 @ 7:15 PM*  
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-2 Single Family Residential to RM-1 Multiple Family Residential.

### ORDINANCE NO. 91 – 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

*135*  
AN ORDINANCE accepting the Final Plat and dedication of various streets for Amherst Village, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

### ORDINANCE NO. 92 – 2005

BY: ENVIRONMENTAL COMMITTEE

*5050  
8-0  
P.D.  
8-0*  
~~Ordinance to Amend~~  
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two dump trucks for the City of Massillon Street Department, and declaring an emergency.

### ORDINANCE NO. 93 – 2005

BY: STREETS, HIGHTWAYS, TRAFFIC & SAFETY

*135*  
AN ORDINANCE vacating a portion of a certain public alley. .

**ORDINANCE NO. 94 – 2005**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

*Perry Twp has NO changes.*

**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 27<sup>th</sup> Street and Jackson Avenue Project, and declaring an emergency.

*Susp  
8-0  
Prop 8-0*

**ORDINANCE NO. 95 – 2005**

**BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY**

**AN ORDINANCE** authorizing the Director of Public Service and Safety to convey an easement to the State of Ohio, and declaring an emergency.

*Amend sec 2 - 8-0  
Susp  
8-0  
Prop 8-0*

**ORDINANCE NO. 96 – 2005**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriation from the unappropriated balance of the P & R Operating Fund, General Fund, Parking Enforcement Fund, Park & Recreation Fund, ADR Fund, Clerk of Courts Computer Fund and the Waste Management Grant Fund, for the year ending December 31, 2005, and declaring an emergency.

*Amend  
Susp  
8-0  
Prop 8-0*

**ORDINANCE NO. 97 – 2005**

**BY: FINANCE COMMITTEE**

**AN ORDINANCE** establishing the new 2006 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

*Susp  
8-0  
Prop 8-0*

*charged*

**ORDINANCE NO. 98 – 2005**

**BY: FINANCE COMMITTEE**

**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 2006, and declaring an emergency.

*Susp  
8-0  
Prop 8-0*

**RESOLUTION NO. 18 – 2005**

**BY: POLICE AND FIRE COMMITTEE**

**A RESOLUTION** for the adoption of the National Incident management System.

*Susp  
8-0  
Prop 8-0*

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

(A) LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING A NEW LIQUOR LICENSE FOR TAMARKIN COMPANY DBA GIANT EAGLE 2032 LINCOLN WAY EAST MASSILLON, OHIO 44646

**9. BILLS, ACCOUNTS AND CLAIMS**

**10. REPORTS FROM CITY OFFICIALS**

A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR AUGUST 2005

B). MAYOR SUBMITS MONTHLY REPORT FOR JULY 2005

C). AUDITOR SUBMITS MONTHLY REPORT FOR AUGUST 2005 - *Accept 8-0*

TUESDAY, SEPTEMBER 6, 2005

1) Tax of Domestic Violence Shelter - 7-13-05 @ 4:30  
2) Gas Aggregate.

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

**ORDINANCE NO. 84 – 2005**

**BY: ENVIRONMENTAL COMMITTEE**

*Prop 8-0*  
*Approved 195,000 -*

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the purchase of two waste packer trucks with snow plows for the City of Massillon Solid Waste Department, and declaring an emergency.

**ORDINANCE NO. 86 – 2005**

**BY: FINANCE COMMITTEE**

*Prop 8-0*  
**AN ORDINANCE** making certain appropriations from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2005, and declaring an emergency.

**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 15 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Defeated*  
*Supp 8-0*  
*Prop 0-8*  
**A RESOLUTION** adopting the decision of the Tax Incentive Review Committee made on August 3, 2005 wherein they recommended that the Enterprise Zone Agreement with Hydrothrift Corporation be terminated and the tax exemption rescinded in the City of Massillon, Ohio, and declaring an emergency.

**RESOLUTION NO. 17 – 2005**

**BY: COMMUNITY DEVELOPMENT COMMITTEE**

*Supp 8-0*  
*Prop 0-8*  
**A RESOLUTION** adopting the decision of the Tax Incentive Review Committee made on August 3, 2005 wherein they recommended that those certain Enterprise Zone Agreements listed on the attached exhibit "A" be continued, and declaring an emergency.

16. NEW AND MISCELLANEOUS BUSINESS
17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA
18. ADJOURNMENT

MARY BETH BAILEY - CLERK OF COUNCIL

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0  
Pass 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 89 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE accepting the Final Plat and dedication of various streets for Sippo Reserves Allotment Phase I, in the City of Massillon, Stark County, Ohio, presently on file in the office of the City Engineer, and declaring an emergency.

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

Section 1:

The Final Plat for Sippo Reserves Allotment Phase I, in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication to public use is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held July 13th 2005. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Sippo Reserves Allotment Phase I is as follows:

Being Known as Out Lot 783, located on the east side of Manchester Road NW, north of Woodstone Ave. The request is to plat 22 lots for and 2 new streets for Phase I of the development. The plat also contains the necessary utility and welland easements. The property is zoned R-1 Single Family Residential. The applicant is David Hayes/Crockett Homes.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the 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: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*P.H. 10-3-05 @ 7:15*

*155-9-6-05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

ORDINANCE NO. 90 - 2005

*1st reading*  
LEGISLATIVE DEPARTMENT

*2nd reading 9/9*  
*passed 10/3*

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-2 Single 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-2 Single Family Residential to RM-1 Multiple Family Residential. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on August 10, 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 an approximate 0.73 acre parcel located on the east side of 1<sup>st</sup> Street NE, south of Amherst Meadows Care Facility, and consisting of Part of Out Lots 868. The area being rezoned will be replatted with existing RM-1 property to provide a 2.19 acre site for the construction of 13 attached single family owner occupied housing units (3 three units and 2 two unit structures). The applicant is Atwell-Hicks, consultants for Amherst Real Estate Holdings LLC.

Section 3:

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

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 91 - 2005

BY: COMMUNITY DEVELOPMENT COMMITTEE

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

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

Section 1:

The Final Plat for Amherst Village, in the City of Massillon, Stark County, Ohio, presently on file in the Office of the City Engineer, is hereby approved and accepted and that the dedication to public use is hereby accepted and confirmed. This plat was approved by the Planning Commission at a meeting held August 10th 2005. The undertaking given by the owners for improvement of streets and now on file with the City Engineer is approved. The description of Amherst Village is as follows:

Being Known as Out Lot 868 and Part of Out Lot 932, located on the east side of 1<sup>st</sup> Street NE, south of Amherst Meadows Care Facility. The request is to replat these parcels into one new lot, with a net area of 2.19 acres. Since the west property line of Out Lot 868 extends to the center line of 1<sup>st</sup> Street NE, the request includes the dedication of an area 25 feet by 177.75 feet in size as right-of-way for 1<sup>st</sup> Street NE. The applicant is Atwell-Hicks, consultants for Amherst Real Estate Holdings LLC.

Section 2:

This Ordinance is declared to be an emergency measure for the reason that said plat is urgently needed for the development of this area and for the proper community growth and hence immediately necessary for the preservation of the 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: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*503P 8-0*  
*Pass 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 92 - 2005

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids, and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two dump trucks for the City of Massillon Street Department, 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, according to law, and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder, for the lease/purchase of two dump trucks for the City of Massillon Street Department.

Section 2:

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

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 for the more efficient operation of the Street Department 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.

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*15<sup>th</sup> 9-6-05*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*1st Reading*  
LEGISLATIVE DEPARTMENT  
*2nd Reading 9/19*  
*passed 10/3*

ORDINANCE NO. 93 - 2005

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 an 18 foot wide public alley running east from 11<sup>th</sup> Street approximately 153.56 feet and combine the vacated portion with the adjoining parcels. This vacation plat is on file in the City Engineer's Office and was approved by the City Planning Commission on August 10<sup>th</sup>, 2005. The said vacation is hereby approved, adopted and confirmed.

Section 2:

This Ordinance is hereby declared to be an emergency measure for the immediate preservation of the health, safety, and welfare and for the continued efficient operation of the City of Massillon, Ohio, the portion of the street to be vacated is no longer needed for municipal purposes.

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.

5  
C  
20  
DEDICATED  
AN AVE SE  
J.L. 141-144  
10 P.17

BECKMAN AVE SE

WALNUT RD SE

FAVST SE

11TH ST SE

JOHNSON ST SE

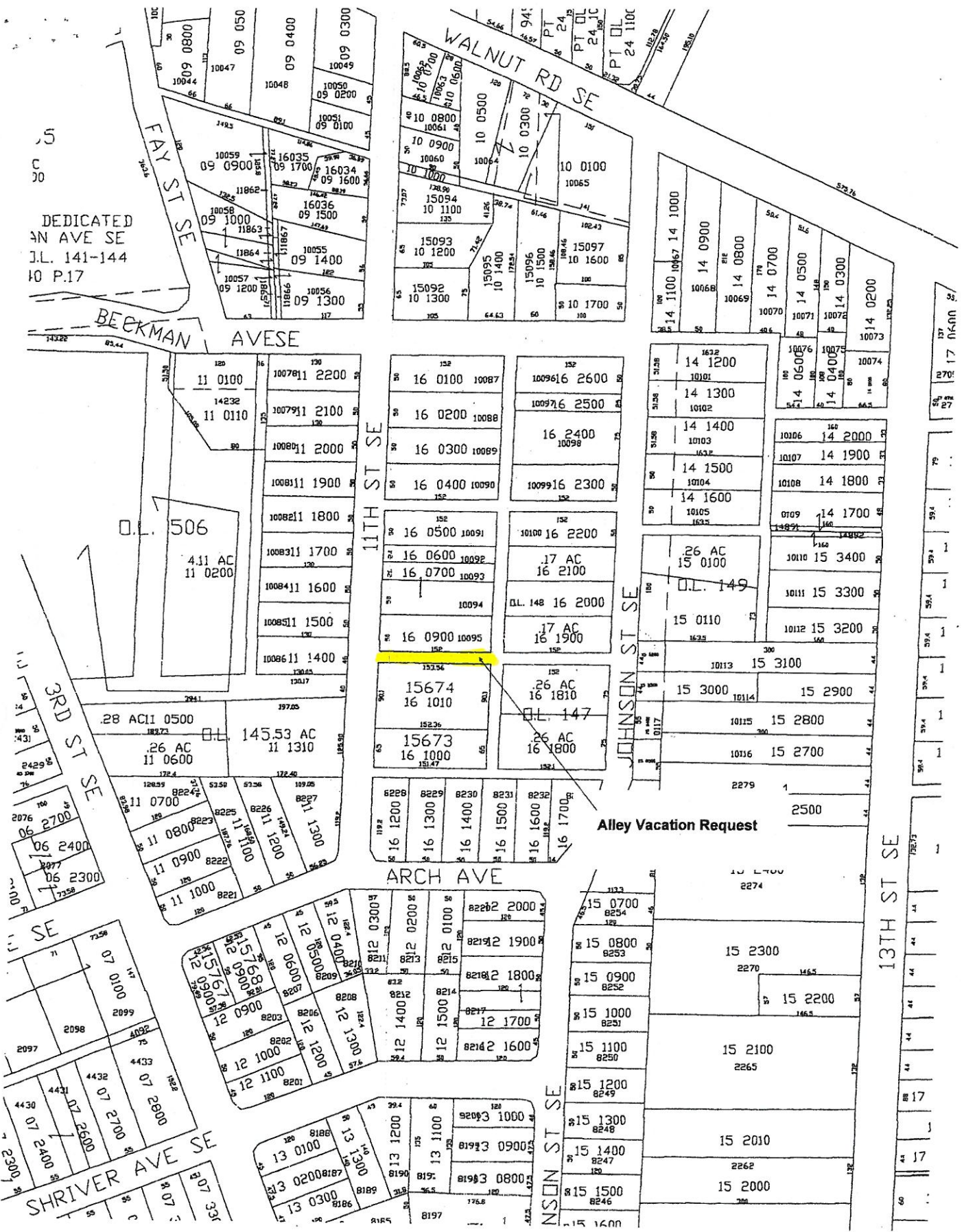
13TH ST SE

ARCH AVE

NSON ST SE

SHRIVER AVE SE

Alley Vacation Request



DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0  
Pass 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 94- 2005

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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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.

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 27<sup>th</sup> 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 27<sup>th</sup> 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 thirteen (13) per cent of the total cost of the PROJECT including any easement costs, in-kind contributions, testing and legal fees.
- B. MASSILLON will obtain any easements within the corporation limits of Massillon needed for PROJECT. MASSILLON will pay for any cost of said easements. Said costs will be considered part of MASSILLON's in-kind contribution.
- 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 design, construction inspection and 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 thirteen (13) percent of the total cost of PROJECT including any easement costs, in-kind contributions, testing and legal fees.
- C. PERRY will obtain any easements outside the cooperation limits of Massillon needed for PROJECT. PERRY will pay for any cost of said easements.

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.

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 any 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 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WITNESSES:

CITY OF MASSILLON, OHIO

By: MICHAEL J. LOUDIANA  
Director of Public Service and Safety

FRANCIS H. CICCHINELLI, JR.  
Mayor

PERRY TOWNSHIP

By: LEE LAUBACHER  
President, Board of Trustees

By: JOEL SCHLEGEL  
Clerk-Treasurer

LAW DIRECTOR'S CERTIFICATE

Revised August 23, 2005

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

ADT	9400 (2003)
Legal Speed	40 MPH
Termini Points	Lincoln Way
	Hankins and 12 <sup>th</sup> Street
Length	± 5300 L.F.

The scope of the work is as follows:

**Roadway:**

Lane width	12 Feet
Number of Lanes	3
Width of the Proposed Road (curb Face to Face)	36 L.F.
Curbing	Type 6 (Straight Curb)
Pavement Material	Asphalt
Pavement Buildup	304 Aggregate Base - 6"
	301 Asphalt Base - 8"
	448 Intermediate Course 1-1/2"
	448 Surface Course 1-1/2"
Markings	Pavement Paint

**Intersection:**

Pavement Markings	Thermal Plastic
Signal	12" Lens
Pole	Mast Arms
Controller	Eight Phase
Light Mount Type	Ridged
Actuated	Video
Curb Ramps	Per ADA Standards

**Drainage:**

Catch Basin	Curb Inlet (Massillon CB 3A)
Pipe Material	Plastic
Under-drain	4" Plastic
Manholes	Massillon CB-MH

The proposal is between stations 10+00 to 12+50 to perform pavement planning. Between stations 12+50 to 60+00 remove and replace the pavement with full depth asphalt, install under-drains and curbing.

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Amendment Approval 8-0  
SOSP 8-0  
POS 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

*Amendment in SEC NO. 2 See Below.*

ORDINANCE NO. 95- 2005

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to convey an easement to the State of 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 State of Ohio desires to acquire an easement over certain parcels or parcels of land for highway purposes on and over certain lands, owned by the City of Massillon, and particularly described as follows:

PARCELS(S): 2SH1, SH2, T  
STA-30-6,70/11.57

SEE EXHIBIT "A" ATTACHED HERETO AND BY THE REFERENCE MADE A PART HEREOF

Section 2:

The State of Ohio has offered the sum of \$525.00 for the purchase of said certain parcel or parcels of land. *BUT THE CITY WISHES TO DONATE THE EASEMENTS TO THE STATE OF OHIO AT NO COST.*

Section 3:

The Council of the City of Massillon, a Municipality of the State of Ohio authorizes the Director of Public Service and Safety to execute and deliver to the State of Ohio all necessary instruments to effect a good and sufficient conveyance of said certain parcel or parcels of land from the City of Massillon, a Municipality of the State of Ohio to the State of Ohio, for the hereinabove mentioned consideration.

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 it is necessary to grant this easement to the State of Ohio for highway purposes. 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      GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR

EXHIBIT A

Page 1 of 2

RX 286  
Rev. 04/03

PID 23754  
PARCEL 2-SH1  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date 5-24-2005

**PARCEL 2-SH1  
STA-30-(6.70) (11.57)**

**IN THE NAME AND FOR THE USE OF THE OHIO DEPARTMENT OF  
TRANSPORTATION, STANDARD HIGHWAY EASEMENT FOR HIGHWAY PURPOSES**

Situated in the State of Ohio, County of Stark, Township of Perry, Section 30, Town 10 North, Range 9 West, City of Massillon, and being a part of Outlot 680, and being more particularly described as follows:

Being a parcel of land lying on the right side of the centerline of right of way of STA-30-4.70 made by the Ohio Department of Transportation as recorded in Plat Book 36, Pages 105 – 106 of the records of Stark County and being located within the following described points in the boundary thereof:

Commencing at a monument found and used at the southeast corner of the northwest quarter of Section 30 and the southwest corner of the northeast quarter of Section 30, said point previously found on STA-30-4.70 centerline plat and recorded in Plat Book Volume 36, Pages 105 – 106 of the Stark County, Ohio Recorder's Office;

thence, along the east line of the northwest quarter of Section 30 and the west line of the northeast quarter of Section 30 North 01° 32' 52" East a distance of 736.83 feet (calculated) to the forward tangent of a curve;

thence, along said forward tangent North 58° 42' 07" East a distance of 73.70 feet to the PT of said curve at Station 523 + 83.39;

thence, along the existing centerline of right of way North 58° 42' 07" East a distance of 535.16 feet to Station 529 + 18.55;

thence, South 31° 17' 53" East a distance of 53.09 feet to a point 53.09 feet right of centerline of right of way Station 529 + 18.55, and the Place of Beginning;

- 1.) thence, along the proposed right of way line South 31° 17' 53" East a distance of 6.00 feet to a point 59.09 feet right of centerline of right of way Station 529 + 18.55;
- 2.) thence, along the proposed right of way line South 58° 42' 07" West a distance of 13.00 feet to a point 59.09 feet right of Station 529 + 05.55;
- 3.) thence, along the proposed right of way line North 31° 17' 53" West a distance of 6.00 feet to a point on the existing southerly right of way line 53.09 feet right of Station 529 + 05.55;

2 (1) 3

05-80019

EASEMENT ONLY

EXHIBIT A

Page 2 of 2

RX 286  
Rev. 04/03

PID 23754  
PARCEL 2-SH1  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date 5-24-2005

4.) thence, along the existing southerly right of way line North  $58^{\circ} 42' 07''$  East a distance of 13.00 feet to the Place of Beginning.

The above described area is contained within the Stark County Auditor's Permanent Parcel No. 0580019. Of this tract, 0.002 acre is located in Auditor's Permanent Parcel Number 0580019, which includes 0.00 acre in the present road occupied.

This description was prepared and reviewed on May 2, 2005 by Franklin D. Blair, PS, Registered Surveyor No. 5676.

This description is based upon a field survey performed by Glaus, Pyle, Burns, Schomer and DeHaven Inc. for Barr & Prevost and the Ohio Department of Transportation under the direction and supervision of Steven J. Scheid, Jr., Registered Surveyor No. 8294, in 2004 and 2005.

Grantor claims title by instrument 1999050784 recorded in the Stark County Recorder's Office of Stark County, Ohio.

The basis of bearings was determined from a GPS survey in obtaining State Plane Coordinates (Ohio Coordinate System of 1983, north Zone). The bearings are to be used for angular measurement only as deed and plat bearings have a different basis.



*Franklin D. Blair PS*  
05-24-05

*48*

EXHIBIT A

Page 1 of 2

RX 286  
Rev. 04/03

PID 23754  
PARCEL 2-SH2  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date 5-24-2005

**PARCEL 2-SH2**

**STA-30-(6.70) (11.57)**

**IN THE NAME AND FOR THE USE OF THE OHIO DEPARTMENT OF  
TRANSPORTATION, STANDARD HIGHWAY EASEMENT FOR HIGHWAY PURPOSES**

Situated in the State of Ohio, County of Stark, Township of Perry, Section 30, Town 10 North, Range 9 West, City of Massillon, and being a part of Outlot 680, and being more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of right of way of STA-30-4.70 made by the Ohio Department of Transportation as recorded in Plat Book 36, Pages 105 - 106 of the records of Stark County and being located within the following described points in the boundary thereof:

Commencing at a monument found and used at the southeast corner of the northwest quarter of Section 30 and the southwest corner of the northeast quarter of Section 30, said point previously found on STA-30-4.70 centerline plat and recorded in Plat Book Volume 36, Pages 105 - 106 of the Stark County, Ohio Recorder's Office;

thence, along the east line of the northwest quarter of Section 30 and the west line of the northeast quarter of Section 30 North  $01^{\circ} 32' 52''$  East a distance of 736.83 feet (calculated) to the forward tangent of a curve;

thence, along said forward tangent North  $58^{\circ} 42' 07''$  East a distance of 73.70 feet to the PT of said curve at Station 523 + 83.39;

thence, along the existing centerline of right of way North  $58^{\circ} 42' 07''$  East a distance of 533.16 feet to Station 529 + 16.55;

thence, North  $31^{\circ} 17' 53''$  West a distance of 53.91 feet to a point 53.91 feet left of centerline of right of way Station 529 + 16.55, and the Place of Beginning;

1.) thence, along the north line of an existing right of way line South  $58^{\circ} 42' 07''$  West a distance of 13.00 feet to a point 53.91 feet left of centerline of right of way Station 529 + 03.55;

2.) thence, along the proposed right of way line North  $31^{\circ} 17' 53''$  West a distance of 6.00 feet to a point 59.91 feet left of the centerline of right of way Station 529 + 03.55;

3.) thence, along the proposed right of way line North  $58^{\circ} 42' 07''$  East a distance of 13.00 feet to a point 59.91 feet left of centerline of right of way Station 529 + 16.55;

05-80019  
102 (1) 3  
EASEMENT ONLY

EXHIBIT A

RX 286  
Rev. 04/03

Page 2 of 2

PID 23754  
PARCEL 2-SH2  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date 5-24-2005

4.) thence, along the proposed right of way line South  $31^{\circ} 17' 53''$  East a distance of 6.00 feet to the Place of Beginning.

The above described area is a part of the Stark County Auditor's Permanent Parcel No. 0580019. Of this tract, 0.002 acre is located in Auditor's Permanent Parcel Number 0580019, which includes 0.00 acre in the present road occupied.

This description was prepared and reviewed on May 2, 2005 by Franklin D. Blair, PS, Registered Surveyor No. 5676.

This description is based upon a field survey performed by Glaus, Pyle, Burns, Schomer and DeHaven for Barr & Prevost and the Ohio Department of Transportation under the direction and supervision of Steven J. Scheid, Jr., Registered Surveyor No. 8294, in 2004 and 2005.

Grantor claims title by instrument 1999050784 recorded in the Stark County Recorder's Office of Stark County, Ohio.

The basis of bearings was determined from a GPS survey in obtaining State Plane Coordinates (Ohio Coordinate System of 1983, north Zone). The bearings are to be used for angular measurement only as deed and plat bearings have a different basis.



*Franklin D. Blair PS*  
05-24-05

*ff*

PID 23754  
PARCEL 2-T1  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date July 14, 2005

**PARCEL 2-T  
STA-30-(6.70) (11.57)  
TEMPORARY EASEMENT FOR THE PURPOSE OF  
PERFORMING THE WORK NECESSARY FOR  
CONSTRUCTION ACCESS  
FOR APPROXIMATELY 18 MONTHS FROM THE DATE OF ENTRY BY THE  
STATE OF OHIO, DEPARTMENT OF TRANSPORTATION**

Situated in the State of Ohio, County of Stark, Township of Perry, Section 30, Town 10 North, Range 9 West, City of Massillon, and being a part of Outlots 680, 681 and 877 being more particularly described as follows:

Being a parcel of land lying on the left and right sides of the centerline of right of way of STA-30-4.70 made by the Ohio Department of Transportation as recorded in Plat Book 36, Pages 105 – 106 of the records of Stark County and being located within the following described points in the boundary thereof:

Commencing at a monument found and used at the southeast corner of the northwest quarter of Section 30 and the southwest corner of the northeast quarter of Section 30, said point previously found on STA-30-4.70 centerline plat and recorded in Plat Book Volume 36, Pages 105 – 106 of the Stark County, Ohio Recorder's Office;

thence, along the east line of the northwest quarter of Section 30 and the west line of the northeast quarter of Section 30 North  $01^{\circ} 32' 52''$  East a distance of 736.83 feet (calculated) to the forward tangent of a curve;

thence, along said forward tangent North  $58^{\circ} 42' 07''$  East a distance of 73.70 feet to the PT of said curve at Station 523 + 83.39;

thence, along the existing centerline of right of way North  $58^{\circ} 42' 07''$  East a distance of 476.77 feet to Station 528 + 60.16 and the Place of Beginning, said point being in the Grantor's west property line and the east property line of the R.J. Corman Railroad Company, Cleveland Line, as recorded by Instrument No. 1995011737 in the Stark County, Ohio Recorder's Office;

- 1.) thence, along the Grantor's west property line and the R.J. Corman Railroad Company, Cleveland Line, North  $32^{\circ} 33' 16''$  West a distance of 95.02 feet to a point 95.00 feet left of Station 528 + 58.08;
- 2.) thence, along the proposed temporary easement right of way line North  $58^{\circ} 42' 07''$  East a distance of 93.92 feet to a point on the Grantor's east property line and the west property line of PSR Development, Ltd., as recorded in Instrument No. 200405050031524 in the Stark County, Ohio Recorder's Office, said point being 95.00 feet left of Station 529 + 52.00;

EXHIBIT A

RX 286  
Rev. 04/03

Page 2 of 2

PID 23754  
PARCEL 2-T1  
RTE-SEC STA-30-(6.70) (11.57)  
Version Date July 14, 2005

3.) thence, along the Grantor's east property line and the west property line of PSR Development, Ltd., South  $31^{\circ} 17' 53''$  East a distance of 190.00 feet to a point 95.00 feet right of Station 529 + 52.00;

4.) thence, along the proposed temporary easement right of way line South  $58^{\circ} 42' 07''$  West a distance of 89.76 feet to a point in the Grantor's west property line and the east property line of the R.J. Corman Railroad Company, Cleveland Line, said point being 95.00 feet right of Station 528 + 62.24;

5.) thence, along the Grantor's west property line and the east property line of the R.J. Corman Railroad Company, Cleveland Line North  $32^{\circ} 33' 16''$  West a distance of 95.02 feet to the Place of Beginning.

The above described area is a part of the Stark County Auditor's Permanent Parcel Nos. 0580019 Outlot 681, Not Assigned Outlot 680, 0580014 Outlot 877. Within said bounds is 0.401 acre, more or less, of which 0.014 acres are in Present Roadway Occupied and subject to all other legal highways, and other easements of record. There being 0.316 Acre in Auditor Parcel No. Not Assigned of which 0.014 acres are in Present Roadway Occupied, 0.043 Acre in Auditor Parcel No. 0580019, 0.042 Acre in Auditor Parcel No. 0580014.

This description was prepared and reviewed on May 2, 2005 by Franklin D. Blair, PS, Registered Surveyor No. 5676.

This description is based upon a field survey performed by Glaus, Pyle, Burns, Schomer and DeHaven, Inc. for Barr & Prevost and the Ohio Department of Transportation in 2004 and 2005 under the direction and supervision of Steven J. Scheid, Jr., Registered Surveyor No. 8294.

Grantor claims title by instrument 1999050784 recorded in the Stark County Recorder's Office of Stark County, Ohio.

The basis of bearings was determined from a GPS survey in obtaining State Plane Coordinates (Ohio Coordinate System of 1983, North Zone). The bearings are to be used for angular measurement only as deed and plat bearings have a different basis.

The stations referred to herein are from the centerline Right of Way of Perry Drive (Stark County Road 225) as found on O.D.O.T., Right of Way Plan STA-30-6.70.

This document was originally issued by Franklin D. Blair, P.S. on July 11, 2005. This document is not considered a sealed document.

48

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Amendment See Below 8-0*

*Susp 8-0*

*Prop 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 96 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the P & R Operating Fund, General Fund, Parking Enforcement Fund, Park & Recreation Fund, ADR Fund, Clerk of Courts Computer Fund and the Waste Management Grant 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 P & R Operating Fund, for the year ending December 31, 2005, the following:

*Section 1*  
\$50,000.00 to an account entitled "Capital Improvement Projects" 1433.505.2510 } *MAKE DON SECTION 1.13 RECI FUND.*  
\$30,000.00 to an account entitled "Supplies/Materials" 1234.505.2410 }  
\$15,000.00 to an account entitled "Supplies/Materials" 1234.515.2410 } *New Section 2*

Section 2.3

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

\$25,665.00 to an account entitled "Workers Compensation" 1100.905.2270  
\$10,000.00 to an account entitled "Travel/Seminar/Schooling" 1100.305.2389

Section 3.4

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

\$9,000.00 to an account entitled "Services/Contracts" 1208.445.2392

Section 4.5

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

\$3,101.00 to an account entitled "Workers Compensation" 1234.505.2270

Section 5.6

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

\$94.00 to an account entitled "Workers Compensation" 1242.125.2270

Section 6.7

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

\$75.00 to an account entitled "Workers Compensation" 1232.130.2270

Section 7.8

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

\$36.00 to an account entitled "Workers Compensation" 1222.605.2270

Section 8.9

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 \_\_\_\_\_ 2005

ATTEST: \_\_\_\_\_

MARY BETH BAILEY, CLERK OF COUNCIL

\_\_\_\_\_  
GLENN E. GAMBER, PRESIDENT

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0  
Pm 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 97 - 2005

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing the new 2006 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines that it is necessary to establish a new 2006 membership rate schedule for fees to be charged at The Legends of Massillon Golf Course.

Section 2:

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

(SEE ATTACHED EXHIBIT "A")

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that it is necessary that the rate schedule be approved in that the golf season will soon begin, and that it is necessary to publish the rates, and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



## 2006 Golf Memberships

**Life Membership.....\$8000.**

**Spouse.....\$5000.**

- Unlimited greens fees any day for life
- Advance starting times - Members may reserve starting time *three weeks* in advance (one week ahead of general public)
- Includes USGA handicap service
- Participation in member only club events
- Preferred practice privileges

**Annual Full Membership.....\$1395.**

**Second player same household.....\$495.**

**Each additional same household.....\$295.**

- Unlimited greens fees Monday through Sunday
- Includes cart fee
- Advance starting times - Members may reserve starting times *three weeks* in advance (one week ahead of general public)
- Includes USGA handicap service
- Participation in member only club events
- Preferred practice privileges

**Annual Weekday Membership.....\$1095.**

**Second player same household.....\$395.**

**Each additional same household.....\$295.**

**Youth (13-17).....\$495.**

- Unlimited weekday greens fees Monday through Friday (holidays excluded)
- Includes cart fee
- Advance starting times - Members may reserve starting times *three weeks* in advance (one week ahead of general public)
- Includes USGA handicap service
- Participation in member only club events
- Preferred practice privileges

**Annual Weekday Associate Membership.....\$595.**

**Second player same household.....\$395.**

**Youth (13-17).....\$295.**

- Unlimited weekday greens fees *after 11 AM* Monday through Friday (holidays excluded)
- Includes cart fee
- Advance starting times - Members may reserve starting times *three weeks* in advance (one week ahead of general public)
- Includes USGA handicap service
- Participation in member only club events
- Preferred practice privileges

**Corporate Membership.....\$7500.**

**Each additional.....\$3750.**

- One-time-payment includes two (2) individual memberships for *five (5)* years
- Privileges may be transferred on a *daily* basis to employees or customers
- Unlimited golf Monday through Sunday *after 11 AM*
- Includes cart fees
- Includes range fees
- Advance starting times - Members may reserve starting times *three weeks* in advance (one week ahead of the general public)
- Includes USGA handicap service for designees
- Participation in member only club events for designees

**Optional Range Plan.....\$150.**

**Couple/Family.....\$200.**

- Unlimited use of range during designated playing times

#### **Payment Terms**

One-half of annual membership fee is due upon application with the remaining balance due 5/1/06. Acceptable forms of payment include Visa, Master Card, check and cash.

#### **Early Bird Discount**

A 5% discount will be deducted from any membership fee paid in full by 11/1/05 (Corporate Membership excluded).

In addition, there will be a \$50 discount for any range plan paid in full by 11/1/05.

#### **Massillon Discount**

Applicants that reside or work within the city of Massillon receive a 5% discount on all annual membership fees.

#### **Membership Privileges**

Membership privileges begin upon application and may include portions of the 2005 season at no additional charge.

#### **Notice**

*All fees may be subject to change after 11/1/05.* A prorated fee may be available for those joining after 6/1/06.

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0  
Pass 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 98 - 2005

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 2006, 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 2006.

Section 2:

That the Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit applications for the 2006 Ohio Public Works Commission Funding for various projects for the year 2006. Said projects shall be as follows:

1. 27<sup>th</sup> Street NE/Jackson Avenue (Lincoln Way to 200 feet south of Hankins)
2. ~~12<sup>th</sup> Street~~ Amherst Road Resurfacing from Cherry Road to Lake Avenue.
3. Cherry Road NW from viaduct to Cable Court.

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.

DATE: SEPTEMBER 6, 2005

CLERK: MARY BETH BAILEY

*Susp 8-0*  
*pro 8-0*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

RESOLUTION NO. 18 - 2005

BY: POLICE AND FIRE COMMITTEE

TITLE: A RESOLUTION for the adoption of the National Incident Management System.

WHEREAS, In Homeland Security Directive (HSPD)-5, the President of the United States directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and effectively to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardize organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will provide the City of Massillon's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command system components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City of Massillon, Ohio to mandate the National Incident Management System be utilized for all incident management in the City of Massillon, Ohio.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2005

APPROVED \_\_\_\_\_  
MARY BETH BAILEY CLERK OF COUNCIL GLENN GAMBER, ~~ACTING~~ PRESIDENT

APPROVED \_\_\_\_\_  
FRANCIS H. CICCHINELLI, JR., MAYOR