

AGENDA

DATE: JANUARY 5, 1998
TIME: 7:30 P.M.
PLACE: COUNCIL CHAMBERS

1. ROLL CALL
2. INVOCATION - COUNCILMAN BILL AMAN
3. PLEDGE OF ALLEGIANCE
4. READING OF THE JOURNAL
5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA
- 5a. ACCEPTANCE OF COUNCIL COMMITTEES
- 5b. *President's Report*
6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 - 1998 BY: HEALTH, WELFARE & BLDG. REGULATIONS COMM

P AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 2 - 1998 BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the issuance of not to exceed \$600,000 of notes in anticipation of the issuance of bonds for the purpose of acquiring land and interest in land for park and recreation purposes, and declaring an emergency.

ORDINANCE NO. 3 - 1998 BY: POLICE AND FIRE COMMITTEE

P AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the purchase of one (1) pumper chassis with an aerial ladder for the Massillon Fire Department, and declaring an emergency. (B/C)

ORDINANCE NO. 4 - 1998 BY: FINANCE COMMITTEE

P AN ORDINANCE repealing Section 1 of Ordinance No. 227 - 1996 and enacting anew Section 1 of ordinance No. 227 - 1996, and declaring an emergency.

ORDINANCE NO. 5 - 1998 BY: FINANCE COMMITTEE

P AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, by the addition of paragraph (11) to Section 181.03 (e) "IMPOSITION OF TAX" OF chapter 181 "INCOME TAX", and declaring an emergency.

RESOLUTION NO. 1 - 1998 BY: COMMITTEE OF THE WHOLE

P A RESOLUTION appointing Sharon Howell as Clerk of Massillon City Council and establishing salary for said job.

RESOLUTION NO. 2 - 1998 BY: HEALTH, WELFARE & BLDG. REGULATIONS COMM

A RESOLUTION providing for the submitting to the electors of the City of Massillon at a Primary Election on May 5, 1998, the question of the approval of the issue of a renewal of one (1) Mill Operating Levy to provide continued funding for the Massillon Museum which is operated by the massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING THE TRANSFER OF A LIQUOR LICENSE FROM EMRO MARKETING CO., DBA BONDED OIL DIVISION, 709 S. ERIE STREET & GAS PUMPS, MASSILLON, OHIO, 44646 TO SPEEDWAY SUPERAMERICA LLC, DBA BONDED OIL DIVISION, 709 S. ERIE STREET & GAS PUMPS, MASSILLON, OHIO, 44646

B). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING THE TRANSFER OF A LIQUOR LICENSE FROM EMRO MARKETING CO., DBA SPEEDWAY 1169, 804 WALES ROAD & GAS PUMPS, MASSILLON, OHIO, 44646 TO SPEEDWAY SUPERAMERICA LLC, DBA SPEEDWAY 1169, 804 WALES ROAD & GAS PUMPS, MASSILLON, OHIO, 44646

C). LETTER FROM OHIO DIVISION OF LIQUOR CONTROL REGARDING THE TRANSFER OF A LIQUOR LICENSE FROM JO BO INC., DBA ELBOW ROOM, 1318 ERIE STREET S. 1ST FLOOR AND BASEMENT, MASSILLON, OHIO, 44646 TO GEARLY INC., DBA ELBOW ROOM, 1318 ERIE STREET S 1ST FLOOR AND BASEMENT, MASSILLON, OHIO, 44646

JANUARY 5, 1998

(D). LETTER NORTHEAST OHIO NATURAL GAS CORP. REGARDING NOTICE TO APPLY FOR A RATE INCREASE.

9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

- A). MAYOR SUBMITS MONTHLY PERMIT REPORT FOR DECEMBER 1997
- B). AUDITOR SUBMITS MONTHLY REPORT FOR DECEMBER 1997
- C). MAYOR STATE OF THE CITY ADDRESS

11. *Acceptance of Mayor's appointment to committees, boards & commissions.*
REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCES AND RESOLUTIONS

ORC. #229-1997 Reopening request

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

SHARON HOWELL
COUNCIL CLERK

THERE IS A PUBLIC HEARING SCHEDULED PRIOR TO THE MEETING
ORDINANCE NO. 229 - 1997 AT 7:00 P.M.

DATE: JANUARY 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 1 - 1998

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

Title: AN ORDINANCE approving the editing and inclusion of certain Ordinances as parts of the various component Codes of the Codified Ordinances of Massillon, Ohio, and declaring an emergency.

WHEREAS, various ordinances of a general and permanent nature have been passed which should be included in the Codified Ordinances of Massillon, Ohio; and

WHEREAS, numerous sections in the Traffic, General Offenses and Fire Prevention Codes need to be amended or enacted so as to conform to enactments of the Ohio General Assembly;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING: TWO-THIRDS OF THE MEMBERS CONCURRING:

SECTION 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of Massillon, Ohio, so as to conform to the classification and numbering system of the Codified Ordinances to wit:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
7-1997	1-6-97	557.04(a)
55-1997	4-21-97	961.11
56-1997	4-21-97	961.21
59-1997	3-17-97	121.02 Rule 30
69-1997	3-17-97	165.06
88-1997	6-2-97	373.13 to 373.22
97-1997	5-19-97	961.01
117-1997	6-16-97	165.01
132-1997	7-14-97	557.09
182-1997	9-15-97	303.08(c)
187-1997	10-20-97	504.14(c), (g)
203-1997	11-3-97	965.09(j)

SECTION 2: The following sections of the Traffic, General Offenses and Fire Prevention Codes, as amended, are hereby approved and adopted as amended or enacted so as to conform to enactments of the Ohio General Assembly.

Traffic Code

301.27	Public Safety Vehicle Defined. (Amended)
303.041	Emergency, Public Safety and Coroner's Vehicles Exempt. (Amended)
331.15	Hand and Arm Signals. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)

Traffic Code (Cont.)

331.39	Driving Across Grade Crossing. (Amended)
331.99	Operation Generally Penalty. (Amended)
335.09	Display of License Plates. (Amended)
337.10	Lights on Slow-Moving Vehicles. (Amended)
337.16	Number of Lights. (Amended)
337.22	Windshield Required. (Amended)
337.27	Seat Belts Required. (Amended)

General Offenses Code

501.01	Definitions. (Amended)
513.01	Drug Abuse Control Definitions. (Amended)
513.03	Controlled Substance Possession or Use. (Amended)
513.07	Possessing or Using Harmful Intoxicants. (Amended)
513.10	Hypodermic Possession, Display and Dispensing. (Amended)
513.11	Harmful Intoxicants; Nitrous Oxide in Motor Vehicle. (Amended)
517.02	Gambling. (Amended)
525.05	Failure to Report a Crime. (Amended)
525.09	Resisting Arrest. (Amended)
529.07	Open Container Prohibited. (Amended)
537.03	Assault. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
537.14	Domestic Violence. (Amended)
537.15	Temporary Protection Order. (Amended)
545.01	Definitions. (Amended)
545.07	Insurance Fraud. (Amended)
549.07	Underage Purchase of Firearms. (Amended)
549.14	Possessing Replica Firearm in School. (Added)

Fire Prevention Code

1519.01	Definitions. (Amended)
1519.02	Public Exhibition Permit Required. (Amended)
1519.03	Unlawful Conduct by an Exhibitor. (Amended)
1519.04	Possession, Sale or Discharge Prohibited. (Amended)
1519.05	Application. (Amended)

SECTION 3: A copy of such Ordinances as edited, arranged and numbered or renumbered as parts of the Codified Ordinances is attached to this Ordinance in the form of 1998 Replacement Pages to the Codified Ordinances.

SECTION 4: That this Ordinance is 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 there exists an imperative necessity for the earliest publication and distribution of the Codified Ordinances to the officials and residents of the City of Massillon, Ohio, so as to facilitate administration, daily operation and avoid practical and legal entanglements. And 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 _____, 1998.

ATTEST:

Clerk of Council

President of Council

APPROVED: _____

Mayor

DATED: JANUARY 5, 1998

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 2 - 1998

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$600,000
OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS
FOR THE PURPOSE OF ACQUIRING LAND AND INTERESTS IN
LAND FOR PARK AND RECREATION PURPOSES AND
DECLARING AN EMERGENCY.

WHEREAS, the City Auditor has certified to this Council (the "Council") that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed from the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being thirty (30) years and notes being twenty (20) years;

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$600,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated approximately January 1, 1999, shall bear interest at the maximum average annual interest rate presently estimated to be six per centum (6.00%) per annum, payable semiannually until the principal sum is paid and shall mature in thirty (30) annual installments.

Section 3. It is necessary to issue and this Council hereby determines that notes shall be issued in anticipation of the issuance of the Bonds.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$600,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated January 15, 1998 and shall mature on January 15, 1999. The Notes shall be issued in such form as shall be mutually acceptable to the City and the purchaser thereof and shall be executed and delivered in such number and

such denominations as shall be requested by the purchaser thereof. Coupons shall not be attached to the Notes.

Section 5. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 6. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 7. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 8. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed six per centum (6.0%) per annum, based on a 360-day year of twelve 30-day months, payable at maturity. The Notes shall be, and hereby are, awarded and sold to The Ohio Company, Columbus, Ohio (the "Original Purchaser") at the par value thereof, and the City Auditor of this Council is hereby authorized and directed to deliver the Notes, when executed, to said purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

The proceeds of such sale, except any accrued interest or premium thereon, shall be deposited in an the Treasury of the City and used for the purpose aforesaid and for no other purpose. Any accrued interest or premium on the Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Notes in the manner provided by law.

Section 9. The Notes shall be executed by the City Auditor and the Mayor, provided that either but not both of such signatures may be a facsimile, shall be designated "City of Massillon, Stark County, Park Land Acquisition Notes", shall be payable as to both principal and interest at the office of FirstMerit Citizens National Bank in the City of Massillon, Ohio, or such other bank as shall be acceptable to the City and the Original Purchaser, and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 10. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be

excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

The City Auditor, or any other officer of the City, including the Mayor, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Notes as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the City Auditor, which action shall be in writing and signed by the City Auditor, or any other officer of the City, including the Mayor, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with sections 141 through 150 of the Code and the Regulations.

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits the amount of Note proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

The Notes are hereby designated by the City to be "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code. The City Auditor, or any other officer of the City, including the Mayor, is authorized and directed to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the representations, warranties and covenants of the City designed to assure that the Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 11. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 12. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the

City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 13. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 14. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that the City must execute a contract to acquire the park land in order to preserve the terms of its outstanding offer; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 5th day of January, 1998.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by the Council of the City of Massillon, Ohio on January 5, 1998, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on January __, 1998.

Clerk
City of Massillon, Ohio

DATE: January 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 3 - 1998

BY: POLICE AND FIRE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the purchase of one (1) pumper chassis with an aerial ladder for the Massillon Fire 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 prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the purchase of one (1) pumper chassis with an aerial ladder for the Massillon Fire Department.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids, according to law, for the purchase of one (1) pumper chassis with an aerial ladder for the Massillon Fire 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 that plans and specification be prepared and that the City of Massillon advertise for bids for the purchase of a pumper chassis with an aerial ladder for the Massillon Fire Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: JANUARY 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 4 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE repealing Section 1 of Ordinance No. 227 - 1996 and enacting a new Section 1 of Ordinance No. 227 - 1996, and declaring an emergency.

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

Section 1:

Section 1 of Ordinance No. 227 - 1996 be and is hereby repealed.

Section 2:

That there be and is hereby enacted a new Section 1 of Ordinance No. 227 - 1996. Said new Section 1 shall read as follows:

The City Auditor is hereby authorized and directed to deposit funds from the sale of the St. Andrew lots as follows:

- (1). Seventy-Five Percent (75%) of the money received shall be deposited into the Economic Development Fund.
- (2). Twenty-Five Percent (25%) of the money received shall be deposited into the Municipal Golf Course Fund.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that the additional funds are necessary to promote economic development in the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: JANUARY 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 5 - 1998

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon, by the addition of paragraph (11) to Section 181.03 (e) "IMPOSITION OF TAX" of CHAPTER 181 "INCOME TAX", 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 enacted paragraph (11) to Section 181.03(e) "IMPOSITION OF TAX" of CHAPTER 181 "INCOME TAX" of the Codified Ordinances of the City of Massillon and shall read as follows:

181.03 IMPOSITION OF TAX

(e) Exceptions The tax provided for herein shall not be levied on;

- (11) Winnings from any state or local lotteries, sweepstakes, raffles, gaming, and other winnings derived entirely by chance from non-profit organizations.

Section 2:

Section 181.03 (e) 11 shall be effective commencing the tax year of 1998.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed so it will be effective for the 1998 tax year and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: JANUARY 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 1 - 1998

BY: COMMITTEE OF THE WHOLE

TITLE: A RESOLUTION appointing Sharon Howell as Clerk of Massillon City Council and establishing salary for said job.

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

Section 1:

Sharon Howell be appointed Clerk of City Council of Massillon, Ohio, to serve for the term of 1998 and 1999.

Section 2:

That the annual salary for the Clerk of Council shall be a 12S Unclassified Classification.

Section 3:

This Resolution being one for the internal management of Council shall be immediately effective.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

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

DATE: JANUARY 5, 1998

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 2 - 1998

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: A RESOLUTION providing for the submitting to the electors of the City of Massillon at a Primary Election on May 5, 1998, the question of the approval of the issue of a renewal of a one (1) Mill Operating Levy to provide continued funding for the Massillon Museum which is operated by the Massillon Museum, Inc., a non-profit corporation, and declaring an emergency.

WHEREAS, the amount of revenues which will be raised by the City of Massillon, Ohio, within the ten mill limitation by levies on the current tax duplicate of the City of Massillon will be insufficient to provide adequate funds for the City of Massillon, to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19 (AA) of the Ohio Revised Code; and

WHEREAS, it is necessary to levy a renewal of a tax in excess of the ten mill limitation for the purpose of providing funds to provide for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization.

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

Section 1:

There shall be submitted to the electors of the City of Massillon at a Primary Election on May 5, 1998, the question of the approval of issues providing for the levy of a renewal of a tax in the amount of one (1) Mill for each One Dollar (\$1.00) of valuation, which amounts to Ten Cents (.10¢) per One Hundred Dollars (\$100.00) of valuation for a period of Five (5) years, to wit: 1998, 1999, 2000, 2001 and 2002 for the purpose of providing for a free Museum of Art, Science, or History that is maintained and operated by a private, non-profit organization as authorized by Section 5705.19(AA) of the Ohio Revised Code.

Section 2:

The Clerk of Council is hereby directed to certify to the Board of Election of Stark County, Ohio, a copy of this Resolution upon the enactment of this Resolution for its submission to the electors of the City of Massillon, Ohio, for the question of its passage at the Primary Election to be held on May 5, 1997. The Clerk of Council is directed to request the Board of Elections to provide notice of election on the question of levying said renewal tax as required by law. The Clerk shall also provide the Board of Elections with a proposed sample ballot which is attached to this Resolution.

Section 3:

That this Resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor. The reason for the emergency lies in the fact that the immediate enactment of this Resolution is necessary to provide for the orderly submission of the proposed levy to the electors of the City of Massillon in the interest of the public welfare and for the levy of a tax as provided in this Resolution in order to obtain sufficient revenue for the operation of a free Museum of Art, Science or History.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1998

APPROVED: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

SAMPLE BALLOT

OFFICIAL QUESTIONS AND ISSUES BALLOT STARK COUNTY MAY 5, 1998

MASSILLON CITY

A Majority Affirmative Vote Is Necessary For Passage

"A RENEWAL of a One[1.0]Mill tax for the benefit of the City of Massillon, Stark County, Ohio for the PURPOSE OF THE MAINTENANCE AND OPERATION OF A FREE PUBLIC MUSEUM OF ART, SCIENCE OR HISTORY at a rate not exceeding One [1.0] mill for each One Dollar[\$1.00] of valuation, WHICH AMOUNTS TO TEN CENTS [\$.10] FOR EACH ONE HUNDRED DOLLARS [\$100.00] OF VALUATION, for period of [5] years, tax years 1998, 1999, 2000, 2001, 2002."

Friday, AM 10:16
call center

MAYOR'S ANNUAL REPORT
STATE OF THE CITY
JANUARY 5, 1998

Dear Massillonians:

Every year at this time, it is my pleasure and my duty to inform the leaders and the citizens of the City of Massillon of the progress that the city has made during the year just concluded. But a "State of the City" report should be more than a list of accomplishments. It should be a statement of the vision of the city. Given the fact that the start of a new millennium is just a handful of calendar pages away, it is now especially important to lay out that vision and outline the challenges and opportunities that lie ahead.

I do not wish to impose my vision on the city. That is not the intent of this report. Instead, the ideas presented here should form the basis for a wide-ranging discussion that leads to a consensus. That consensus will be the city's vision.

Any attempt to map out where we as a city are going is doomed to fail unless we acknowledge where we are and from where we have come. Massillon has always been a city of doers. And these "doers" have accomplished much because of the dreams and aspirations each of them has had. Each of them was a man or woman of vision. The vision for the city that I share with you today is an extension of the collective vision their accomplishments provide us.

Massillon has always been a center of growth in Stark County. Since 1811, when Thomas and Charity Rotch and Arvine Wales first settled in present day Massillon, since the establishment of the towns of Kendal by Thomas Rotch and Massillon by James Duncan, even to today, Massillon's growth is the talk and envy of the rest of the county! Since 1967, a mere thirty years, the city has doubled in geographic size. We are now over sixteen square miles comprising more than 10,350

acres. 1997 saw the addition of 162 acres in three separate annexations, two on the south and one on the north. Annexations on the southeast and west sides are awaiting decision by the County Commissioners or are awaiting approval by the Common Pleas Court.

Like all living entities, growth is an essential aspect of life. A city that does not grow has no choice but to decay. As has always been a part of the vision of Massillon, the city will continue to grow. Annexation remains important. In 1998, several more annexations will be concluded. The addition of hundreds of acres to the city through annexations on the north, west, south and east sides are in progress or are planned.

The town founders, in addition to being pioneers themselves, were great promoters. They had unlimited opportunity to promote. People were drawn to the town of Massillon to add to and share in the prosperity. So too, is a modern pioneering spirit that draws people to Massillon. Landowners in the adjacent townships want to be part of Massillon. The majority of landowners in the more than fifty annexations in the last thirty years is compelling proof that people want to be part of a good thing -- and Massillon is a good thing, indeed. A number of new requests to be annexed are expected in 1998.

Annexation for the sake of annexation has never been the goal of the city. Annexation has always been for either of two reasons: for the development of undeveloped land or to provide "city" services to adjacent residents and businesses. The City of Massillon will continue to promote both kinds of annexations. Additionally, the time has come to take a longer view. Annexations of developable land (for businesses, industry and residences) needs to be pursued for growth in the 21st Century. The idea of "landbanking" developable land for development ten to fifteen years in the future is worth exploring.

Another kind of annexation must also take place. Massillon's prominence in the county and region has a strong heritage based on agriculture. But this treasured aspect of our shared history is rapidly vanishing. Farmers are experiencing great pressures today. The family farm is disappearing at a rapid pace. Townships are helpless to assist in the preservation of farmland. The City of Massillon has been the pioneer among Ohio cities in adopting agricultural zoning. Massillon City Council has before it a request to greatly enhance agricultural zoning. In the next few weeks the companion legislation to make this sort of zoning truly attractive to active farming operations will be in City Council's hands.

Massillon is a city with an ever-changing face. Founded by New Englanders, Massillon grew into a predominantly German-American town, changing again by an influx of Scotch-Irish immigrants during the canal era. Massillon and its people have always welcomed all those who wished to be Massillonians. The city policy on annexation should keep as a central principal the willingness of the city to accept in all who wish to join their land to the city.

But annexation is not the only growth issue. Development and redevelopment of all areas of the city remain a priority.

One only has to look at the names on the downtown buildings to get a sampling of the industrial heritage of our city. Today's Dielhenns or McClymonds or Russells are active in Massillon. In fact, 37 companies located or expanded their operations here in the last ten years. Just a few are ABB Services, Sterilite, Omni Die Casting, US Chemical and Plastics, Lukens Steel, Plastic Forming Company, A.R.E. Incorporated, E-B Design, Brink's, Nickles Bakery, Electric Melting Services, Hycom, Florline Midwest, Republic Engineered Steel, and most recently, Elastochem. In all, fifty

industrial plants are active in the city providing the highest employment since 1981; all of this despite downsizing and reorganizations of entire industries that historically provided the bulk of the jobs.

1998 and beyond will be noted for more new manufacturing and service jobs. To accomplish this, the City of Massillon must do all it can to promote the overall growth and health of the city's economy. That task is twofold. First, the overall economic health of the city must be maintained. This means that city services must be maintained and judiciously improved and expanded. Second, the city-business climate must be carefully protected and fostered. The fine relationship with the Massillon Area Chamber of Commerce and the Massillon Development Foundation will grow stronger. The relationship with the Stark Development Foundation needs to be nurtured. We should expect that our relationships with all of our Ohio and U.S. legislators will grow even stronger.

Just what is the status of the overall economic health of the City of Massillon? The city government's finances remain strong. 1998 started with a carryover of more than a million dollars. 1997 city income tax revenues exceeded 10 million dollars. This represents a 4.6% growth in city income tax collections! Other sources of city revenue also showed growth in 1997.

The property values in the city have also shown strong growth -- 30% in five years. The average value of a home has risen to \$59,437. (Compare this to \$49,907 in Alliance and \$45,247 in Canton!) Massillon now has 9,437 homes. Single family housing starts so far in the nineties (with two years to go) total 406. In the 70's, 496 homes were built and in the 80's, only 189 were added. In the next few years, many, many more residences will be added. Already planned are an additional 600 units in the Legend Hills and St. Andrews Estates developments. Additionally, the need for multi-family housing is being felt in the city. New apartments, condos and duplexes will be built.

Massillon is on the grow!

The historic center of Massillon is also healthy. Downtown continues to redevelop. Nearly every storefront is occupied with a viable business. Our Mainstreet program is alive and well. Lincoln CitiCenter is a very busy place. Downtown will be enhanced with the new SARTA transit center with its parking deck and hotel. This new anchor will strengthen west downtown redevelopment efforts and be an impetus to "regrow" Erie Street into the vibrant business center that it has been in years past. The ill-considered closing of our Penneys' store will provide yet another redevelopment opportunity. Already, efforts are underway to find a significant retail tenant. Lincoln Center Phase III, including the downtown recreation center, is on the front burner for 1998.

Other development priorities center on the U.S. 30-Ohio 21 area. A proposed strip mall is likely to break ground this year. Industrial development in that area will also boom. All development in the South Massillon-Southwest Perry Township area should be with the cooperation and guidance of the Community Planning District agreed to in principle between the city and Perry Township. 1998 is the year to finalize the CPD's organization and let it show results.

The Massillon-Perry CPD is but one example of meaningful citizen input and direction. The work of the Westside Citizens' Committee is just about complete. The committee's work will result in controlled development of parts of the 5th and 6th wards.

While economic prosperity through high employment, sensible expansion of the city and solid revenue growth is a valid indicator of the overall quality of life, recreation and educational opportunities are perhaps the more visible aspects. The recreational opportunities are beginning to blossom in Massillon. The community park issue is settled with the purchase of a site. Now it must be developed. The rehabilitation of our many neighborhood parks throughout the city is rapidly being completed. The city recreation program is expanding rapidly to meet the needs of all. The Ohio-Erie

Canal Corridor and related Sippo Valley Corridor trails and recreational developments are being constructed to be premier assets for the entire community. A potential expansion of the Legends of Massillon municipal golf course is being explored. Another nine holes would add to both revenues and the enjoyment of the golfers. It would make an already first-class facility even better.

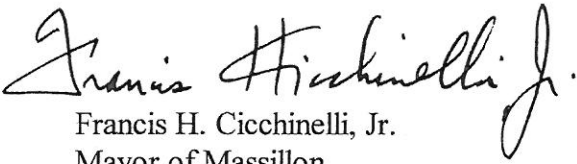
James Duncan was a chief proponent of the Ohio-Erie Canal through Massillon. The entire community was behind the extension of the Pittsburgh, Ft. Wayne & Chicago (later Pennsylvania) Railroad to Massillon. This interest in transportation put Massillon on the map. Continued attention will ensure that Massillon remain a center of commerce. This attention continues today. Addition of ramps on Ohio 21 at Erie Avenue South will foster further growth in South Massillon. The realignment of Richville Drive (Ohio 627) at 16th Street SE and an overpass at the railroad tracks just south of Washington High School are but two major road construction projects that support our city's growth.

A growing city such as Massillon necessarily means an expansion of city services. Our police force is now at 55 officers, the most full-time officers ever. Community-oriented policing is transforming law enforcement across the nation and is being implemented city-wide in Massillon. Crime is down with 20,920 calls, the least in 20 years. The department is rapidly being computerized, in part as a result of a federal grant. The fire department now has 45 firefighters (up from 42), building to 48 officers in the next sixteen months. Last year the fire department handled 3,347 calls, up slightly from 1996. The fire department also placed into service a new EMS unit, as part of a continuing effort to keep our fire and rescue equipment up-to-date.

This State of the City report is a call to action to the citizens of Massillon. Massillon is representative democracy in action. Our form of local government requires the active participation

of all citizens. If the citizens do not tell the community's leaders what they want, then the government that results is weak and not responsive to the citizens. Participate by staying informed, voicing your opinion, voting, serving on the various boards, commissions and committees of our community. BUILD THE CONSENSUS, SHAPE THE FUTURE!

Respectfully submitted,


Francis H. Cicchinelli, Jr.
Mayor of Massillon