

## AGENDA

DATE: AUGUST 16, 1999  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN GLENN GAMBER
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. 156 - 1999 BY: SEWER AND WASTE DISPOSAL COMMITTEE

*SPH*  
*JP*  
**AN ORDINANCE** authorizing and directing the director of Public Service and Safety to advertise for and receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

### ORDINANCE NO. 157 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

*JP*  
*JP*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of the Sports Bowl property located at 420 First Street N.W. and known as City Lots No. 14, 2525-2432, 2567-2570, 15417-15420, 15422-15431 and 15433, which is currently owned by DKL Lanes, Inc., and declaring an emergency.

### ORDINANCE NO. 158 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

*P*  
**AN ORDINANCE** amending the agreement between the City of Massillon Heinz Frozen Foods Company and VC Freezer Massillon, LLC (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program, by extending the project site for the new facility from a 7.64 acre parcel of land and being part of Out Lot 510 to a 11.284 acre parcel and being Part of Out Lots 287, 510, 511 and 750, and declaring an emergency.

### ORDINANCE NO. 159- 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

*JP*  
**AN ORDINANCE** confirming the acceptance of the annexation of certain contiguous territory owned by the City of Massillon and affirming the continuing pendency of the existing petition before the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

*- Community Park I Annex.*

### ORDINANCE NO. 160 - 1999 BY: STREETS, HIGHWAY, TRAFFIC AND SAFETY COMMITTEE

*JP*  
**AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an agreement, without competitive bidding, with URS Greiner Woodward Clyde for professional services for the public improvements for the Massillon Marketplace Development, and declaring an emergency.

AUGUST 23, 1999

**ORDINANCE NO. 161 - 1999 BY: FINANCE COMMITTEE**

*file*  
*John*  
*P*  
AN ORDINANCE authorizing the issuance of not to exceed \$125,000.00 of notes in anticipation of the issuance of bonds for the purpose of paying engineering costs related to anticipated road and other infrastructure improvements, the debt service payments for which are expected to be paid from payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code; and declaring an emergency.  
*Massillon Marketplace TIF*

**ORDINANCE NO. 162 - 1999 BY: FINANCE COMMITTEE**

*file*  
*John*  
*P*  
AN ORDINANCE authorizing the issuance of not to exceed \$1,200,000.00 of notes in anticipation of the issuance of bonds for the purpose of acquiring land in connection with a proposed recreation center and declaring an emergency.

**ORDINANCE NO. 163 - 1999 BY: FINANCE COMMITTEE**

*file*  
*John*  
*P*  
AN ORDINANCE establishing three funds entitled "Section 108 Guaranteed Loan Fund", Section 108 Loan Repayment Fund" and "Marketplace Infrastructure Fund", and creating line items within said funds, and declaring an emergency. City of Massillon, and declaring an emergency.

**ORDINANCE NO. 164 - 1999 BY: FINANCE COMMITTEE**

*P*  
AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.  
*? Engr. Dept to Street Dept.*

**ORDINANCE NO. 165 - 1999 BY: FINANCE COMMITTEE**

*P*  
AN ORDINANCE making certain appropriations from the Park and Rec Capital Improvement fund to the Park and Rec Recreation Center fund, of the City of Massillon, Ohio, and declaring an emergency.

**ORDINANCE NO. 166 - 1999 BY: THE FINANCE COMMITTEE**

*file*  
*John*  
*P*  
AN ORDINANCE making certain appropriations from the unappropriated balance of the Park and Recreation Center Fund, Marketplace Infrastructure Fund, UDG Fund and the Parks and Recreation Fund, for the year ending December 31, 1999, and declaring an emergency.  
*UDAG - Appraisals*

**RESOLUTION NO. 5 - 1999 BY: FINANCE COMMITTEE**

*P*  
A RESOLUTION designating a Fiscal Audit Team and Report Review Committee for the City of Massillon.

**7. UNFINISHED BUSINESS**

**8. PETITIONS AND GENERAL COMMUNICATIONS**

*P*  
A). LETTER OHIO DIVISION LIQUOR CONTROL REGARDING A TRANSFER OF LIQUOR LICENSE FROM LONE EAGLE INC., DBA BEIR BANC, 211 ERIE STREET S., MASSILLON, OHIO, TO YUSERA R. ATTA, DBA BEIR BANK, 211 ERIE STREET S., MASSILLON, OHIO.



AUGUST 23, 1999

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

- A). MAYOR SUBMITS MONTHLY REPORT FOR JULY - 1999
- B). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JULY - 1999
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JUNE - 1999
- D). TREASURER SUBMITS MONTHLY REPORT FOR JULY - 1999

**11. REPORTS OF COMMITTEES**  
**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**  
**13. CALL OF THE CALENDAR**  
**14. THIRD READING ORDINANCES AND RESOLUTIONS**  
**15. SECOND READING ORDINANCES AND RESOLUTIONS**

**ORDINANCE NO. 149 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

*2nd* **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from Jackson and Perry Townships to Massillon Zoning, and declaring an emergency.

**ORDINANCE NO. 150 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM**

*2nd* **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from RM-1 Multiple Family Residential to B-1 Local Business, and declaring an emergency.

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

SHARON HOWELL  
COUNCIL CLERK

THERE ARE NO PUBLIC HEARINGS TONIGHT

DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 156 - 1999

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to prepare specifications and 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 laboratory services at the Wastewater Treatment Plant in the City of Massillon, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for laboratory services at the Wastewater Treatment Plant in the City of Massillon.

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 and to enter into contract, upon award and approval by the Board of Control, with the lowest and best bidder, as authorized in Section 1 of this Ordinance.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to enter advertise for bids and enter into contract for laboratory services as the present contract expires on September 21, 1999. 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 \_\_\_\_\_ 1999

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

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

DATE: August 16, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 157 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase of the Sports Bowl property located at 420 First Street N.W and known as City Lots No. 14, 2525-2532, 2567-2570, 15417-15420, 15422-15431 and 15433, which is currently owned by DKL Lanes, Inc., and declaring an emergency.

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

Section 1:

The real property owned by the DKL Lanes, Inc., which is known as the Sports Bowl and is located at 420 First Street N.W and known as City Lots No. 14, 2525-2532, 2567-2570, 15417-15420, 15422-15431 and 15433.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Seven Hundred Fifty Thousand Dollars (\$750,000.00) and upon the execution and approval the said Director of Public Service and Safety is further authorized to execute and approve all necessary documents to expedite the purchase of said real estate.

Section 3:

That the City Auditor is hereby authorized to pay the purchase price of Seven Hundred Fifty Thousand Dollars (\$750,000.00). These funds will be provided through a note issuance.

Section 4:

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 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.



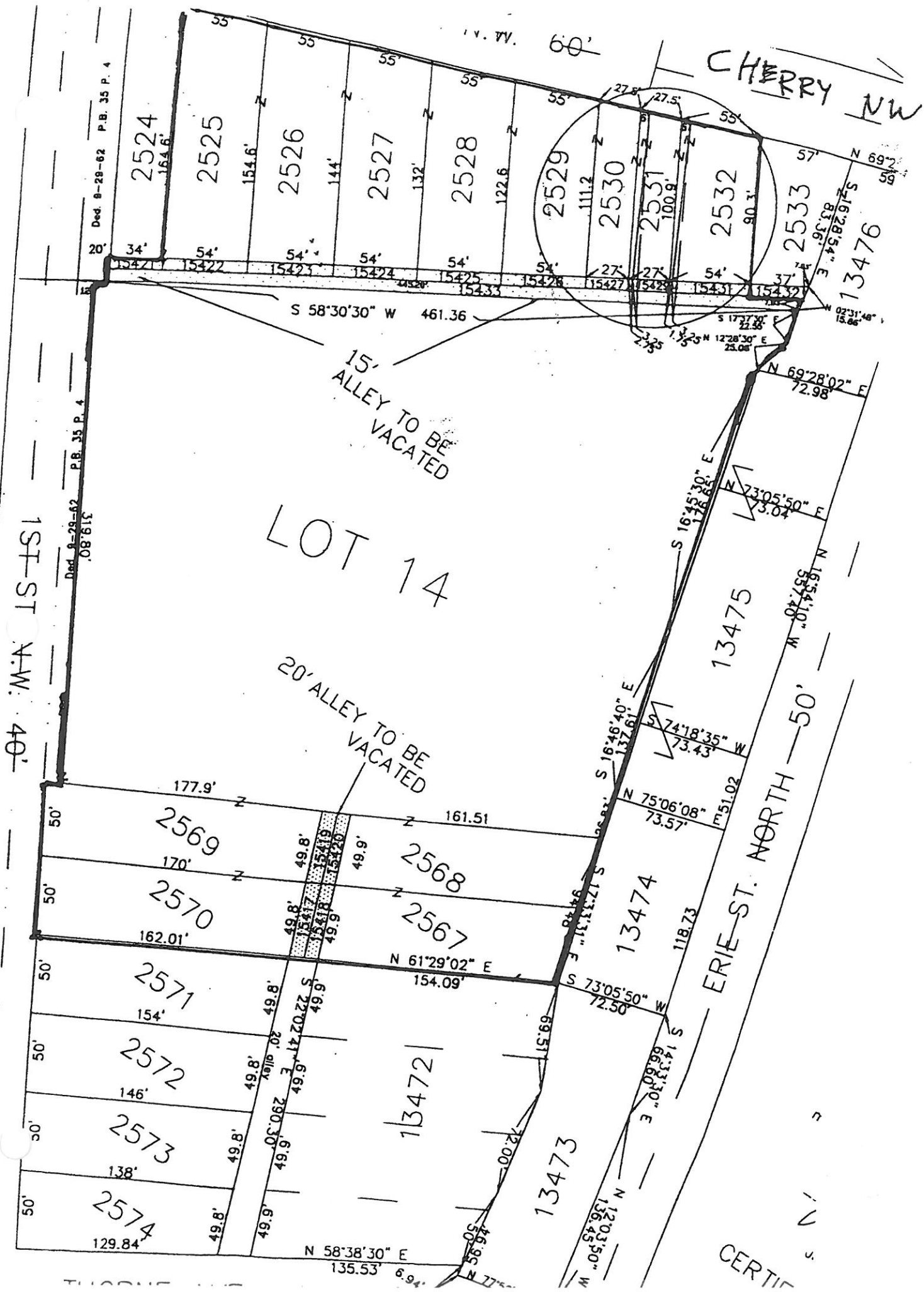
Section 5:

That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for further development within the downtown area of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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





DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 158 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending the agreement between the City of Massillon , Heinz Frozen Foods Company and VC Freezer Massillon, LLC (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program, by extending the project site for the new facility from a 7.64 acre parcel of land and being Part of Out Lot 510 to a 11.284 acre parcel and being Part of Out Lots 287, 510, 511 and 750, and declaring an emergency.

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

Section 1:

The agreement between the City of Massillon, Heinz Frozen Foods Company and VC Freezer Massillon, LLC (American Logistics), under the Ohio Urban Jobs and Enterprise Zone Program is hereby amended by extending the project site for the new facility from a 7.64 acre parcel of land and being Part of Out Lot 510 to a 11.284 acre parcel and being Part of Out Lots 287, 510, 511 and 750.

Section 2:

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

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is necessary for the Enterprise Zone Agreement to reflect the extension of the project site for the new facility of Heinz Frozen Foods Company and VC Freezer Massillon, LLC (American Logistics). 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 \_\_\_\_\_ 1999

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

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



**AMENDMENT TO  
OHIO ENTERPRISE ZONE AGREEMENT**

This Amendment is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 1999, by and between **THE CITY OF MASSILLON, OHIO**, a municipal corporation with its main offices located at One James Duncan Plaza, Massillon, Ohio 44646 (hereinafter referred to as the "City"), **HEINZ FROZEN FOODS COMPANY**, a Delaware Corporation with its main offices located at USX Tower, P.O. Box 57, Pittsburgh, PA 15230-0057 (hereinafter referred to as "Heinz"), and **VC FREEZER MASSILLON, L.L.C.**, an Oregon Corporation with its main offices located at 7007 S.W. Cardinal Lane, Portland, Oregon 97204 (hereinafter referred to as "Americold").

**WITNESSETH:**

**WHEREAS**, the parties have previously entered into an Ohio Enterprise Zone Agreement dated May 19, 1999, whereby Heinz agreed to expand its existing facility within the City's enterprise zone through the construction, by Americold, of a new 164,000 square foot cold storage warehouse adjacent to the existing Heinz production facility located at 1301 Oberlin Road, S.W., and the City provided the companies with development incentives to support the economic viability of the Project; and

**WHEREAS**, the Agreement provides for a tax exemption for real property improvements made to the Project Site, identified as a 7.64 acre parcel of land, known as and being Out Lot 510, in the City of Massillon, Stark County, Ohio.

**WHEREAS**, the Project Site has been expanded and is now identified as an 11.284 acre parcel of land, known as and being Part of Out Lots 287, 510, 511, and 750, in the City of Massillon, Stark County, Ohio.

**WHEREAS**, in order to accomplish the intended purpose of the Agreement, the parties have determined to amend the Agreement, in the particulars set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants set forth in the Agreement and the benefit to be deemed by each party from the completion of the Project as contemplated by the Agreement, the parties hereby agree as follows:

1. Section 1, Paragraph 1 of the Agreement is hereby amended to read in part as follows: "Said facility shall be constructed on an 11.284 acre parcel of land, known as and being Part of Out Lots 287, 510, 511, and 750, in the City of Massillon, Stark County, Ohio, as further described in the attached Exhibit "A", attached hereto and made a part hereof.

2. In all other respects, the Agreement is hereby confirmed and ratified as written.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date and year first above written.

**WITNESSED BY:**

**THE CITY OF MASSILLON, OHIO**

\_\_\_\_\_  
Francis H. Cicchinelli, Jr., Mayor

**WITNESSED BY:**

**HEINZ FROZEN FOODS COMPANY**

\_\_\_\_\_  
Catherine A. Caponi, Assistant Treasurer

**WITNESSED BY:**

**VC FREEZER MASSILLON, L.L.C.**

\_\_\_\_\_  
Joel M. Smith, Senior Vice President

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

\_\_\_\_\_  
John D. Ferrero, Jr., Director of Law

## EXHIBIT "A"

June 14, 1999

## DESCRIPTION OF A 11.284 ACRE PARCEL FOR LEASE PURPOSES

Situated in the State of Ohio, County of Stark, and City of Massillon and being part of Out Lots 287, 510, 511, and 750 of said City of Massillon and being part of parcels now or formerly owned by Foodways National Inc. (310-160, 162, 165) and being part of a parcel now or formerly owned by Heinz Frozen Food Company (#99032325) and being further described as follows:

Commencing for reference at a 5/8" bar found at the southwest corner of said Out Lot 750; Thence N00°11'03"E (basis of bearing assumed) along the east line of 17th Street Southwest, a distance of 65.52 feet to the True Place of Beginning of the parcel herein described;

1. Thence N00°11'03"E along the east line of said 17th Street Southwest, a distance of 153.31 feet to a 5/8" bar found;
2. Thence N31°50'29"E along the southeasterly line of Finefrock Drive Southwest (S.R. 241), a distance of 39.73 feet to a 5/8" bar found;
3. Thence N69°41'31"E along the southeasterly line of Finefrock Drive Southwest, a distance of 100.02 feet to a 5/8" bar found;
4. Thence N55°39'08"E along the southeasterly line of said Finefrock Drive Southwest, a distance of 103.05 feet to a 5/8" bar found;
5. Thence N68°12'58"E along the southeasterly line of said Finefrock Drive Southwest, a distance of 226.56 feet;
6. Thence S89°01'51"E, a distance of 547.24 feet;
7. Thence S00°56'40"W, a distance of 83.67 feet;
8. Thence S89°03'20"E, a distance of 11.67 feet;
9. Thence S00°56'40"W along the west line of an existing building, a distance of 21.08 feet;
10. Thence S89°01'18"E along the south line of said building, a distance of 233.25 feet;
11. Thence S00°52'22"W along the west line of said building, a distance of 137.33 feet;
12. Thence S89°07'38"E along the south line of said building, a distance of 26.00 feet;
13. Thence S00°52'22"W along the west line of said building, a distance of 170.00 feet;
14. Thence S89°07'38"E along the south line of said building, a distance of 110.16 feet;
15. Thence S00°52'22"W, a distance of 161.31 feet;
16. Thence N88°47'33"W, a distance of 369.39 feet;
17. Thence N 60°21'18"W, a distance of 295.42 feet;

18. Thence along the arc of a curve to the left having a radius of 50.00 feet, a central angle of  $28^{\circ}26'16''$ , a tangent of 12.67 feet, a chord of 24.56 feet bearing  $N74^{\circ}34'26''W$ , a distance of 24.82 feet;
19. Thence  $N88^{\circ}47'33''W$ , a distance of 100.00 feet;
20. Thence  $N56^{\circ}57'30''W$ , a distance of 134.50 feet;
21. Thence  $S88^{\circ}38'47''W$ , a distance of 467.72 feet to the True Place of Beginning and containing 11.284 acres as determined by Ronald C Hinton S-6270 in June, 1999.



DATE: August 23, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 159 - 1999

BY: COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

TITLE: AN ORDINANCE confirming the acceptance of the annexation of certain contiguous territory owned by the City of Massillon and affirming the continuing pendency of the existing petition before the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Tuscarawas Township, and declaring an emergency.

WHEREAS, Ohio Revised Code section 709.16(B) states that "The annexation shall be complete upon the entry pursuant to the board's resolution, of an order upon the journal of the board authorizing such annexation"; and

WHEREAS, on August 5, 1999, the Board of Stark County Commissioner approved the annexation of the subject contiguous territory owned by the City of Massillon and known as the Area Annexation as further described in the petition and map attached as Exhibit "A"; and

WHEREAS, on May 17, 1999, the Council of the City of Massillon adopted Ordinance 91-1999 authorizing the annexation of the subject territory; and

WHEREAS, on June 7, 1999, the Council of the City of Massillon petitioned the Board of Stark County Commissioners for a change in township boundaries; and

WHEREAS, at least two-thirds of the members elected to Council of the City of Massillon, Ohio, have found, considered and determined that in order to finalize the annexation of said territory to the City of Massillon, this constitutes an emergency, requiring immediate action.

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

Section 1:

The City of Massillon hereby confirms the acceptance of the annexation of the following described territory in the County of Stark and adjacent to the City of Massillon, to wit: see description in petition and map attached as Exhibit "A".

Section 2:

The petition to change the township lines in City of Massillon Ordinance No. 100-1999, pursuant section 503.07 of the Ohio Revised Code, and directed to the Board of Stark County

Commissioners is affirmed as being pending and the continuing desire of the City of Massillon is that the petition be granted as previously submitted.

Section 3:

That attached hereto and made a part of this ordinance is one (1) map covering the tract of land described in section 1 of this ordinance.

Section 4:

The City Council Clerk be and hereby is directed to file certified copied of said annexation containing the petition, a map accompanying the petition, Ordinances No. 91-1999, No.100-1999 and this Ordinance, a transcript of the proceedings of the County Commissioners, and an authenticated copy of the proceedings relating thereto, with the Board of Stark County Commissioners, the Stark County Recorder and the Ohio Secretary of State, as required by Ohio law.

Section 5:

The Clerk of this Council be and is hereby directed to file with the Clerk of the Board of Commissioners of Stark County, as well as the County Board of Elections, notice in writing of the boundary changes of the City of Massillon hereby affected together with a map of the annexed territory.

Section 6:

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, and for the additional reason that it is in the best interests of the property owner in the annexed area that the property become a part of the City of Massillon with all of its jurisdiction and services being immediately extended. 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 \_\_\_\_\_ 1999

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

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

EXHIBIT "A"

PETITION  
BY CITY OF MASSILLON, OHIO  
FOR ANNEXATION OF CONTIGUOUS CITY-OWNED TERRITORY  
TO CITY OF MASSILLON, OHIO  
PURSUANT TO 709.14, 709.15 AND 709.16(B) O.R.C.

TO THE COMMISSIONERS OF STARK COUNTY, OHIO:

1. I, Steven D. Hamit, Agent for the City of Massillon, Stark County, Ohio pursuant to the authority vested in me by Massillon Ordinance \_\_\_\_\_ -1999, hereby petition for the annexation to the City of Massillon, of the contiguous territory an accurate description of which is as follows:

Known as, and being part of the Northwest Quarter of Section 24 in the Township of Tuscarawas (T.12, R.10), County of Stark, State of Ohio, and being a parcel now or formerly owned by the City of Massillon (II #99024633), and further described as follows:

Beginning at the northeast corner of said Northwest Quarter Section 24; Thence N88°35'24"W along the north line of said Northwest Quarter Section 24, (basis of bearing) a distance of 543.07 feet to a point and the True Place of Beginning of the parcel herein described:

1. Thence S01°44'57"W along the east line of said Massillon parcel, a distance of 652.35 feet to a point;
2. Thence S69°41'31"W, along the north line of a parcel now or formerly owned by the State of Ohio (1453-184) which is the north right of way of Finefrock Road (S.R.241), a distance of 858.65 feet to a point;
3. Thence N01°43'29"E along the west line of said Massillon parcel, a distance of 970.09 feet to a point;
4. Thence S88°35'24"E along the north line of said Northwest Quarter Section 24, a distance of 796.23 feet to the True Place of Beginning and containing 14.825 acres of land, more or less, all being in the Northwest Quarter of Section 24 of Tuscarawas Township.

The above described 14.825 acre tract is the property deeded to the City of Massillon as recorded in Official Record Imaging #99024633 of the Stark County Records of Deeds and the basis of bearings is taken therefrom as determined by James J. Benekos, Massillon City Engineer and Ohio Registered Surveyor No. 7653 in May of 1999.

2. The Territory is the only territory sought to be annexed, is contiguous to the current boundaries of the City of Massillon and is owned in its entirety by the City of Massillon,
3. All of the Territory is located within Stark County.
4. By Ordinance \_\_\_\_\_ -1999, the Council of the City of Massillon has authorized the annexation of the Territory and has stated those services which will be provided to the Territory upon annexation.
5. I have attached hereto and made a part of this petition a map, showing the accurate boundaries of the territory sought to be annexed, marked "Map of Territory to be Annexed to the City of Massillon", together with a true copy of Ordinance No. \_\_\_\_\_ -1999.
6. These proceedings comply with special statutory provisions relating to the annexation of contiguous territory owned by the municipal corporation seeking annexation as set out in Ohio Revised Code Sections 709.14, 709.15 and 709.16(B).
7. Ohio Revised Code Section 709.16(B) provides:

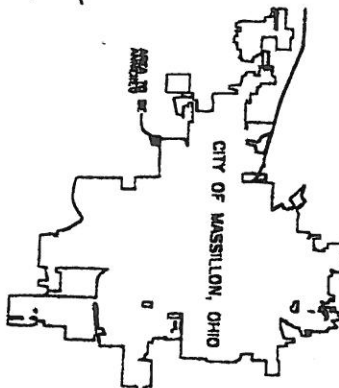
"(B) If the only territory to be annexed is contiguous territory owned by the municipal corporation seeking annexation and if such territory is located entirely within the same county as the municipal corporation seeking annexation, upon receipt of the petition required by Section 709.15 of the Revised Code, the Board of County Commissioners shall, by resolution, approve the annexation and make such adjustments of funds, unpaid taxes, claims, indebtedness, and other fiscal matters as the Board determines to be proper. The annexation shall be complete upon the entry, pursuant to the Board's resolution, of an order upon the journal of the Board authorizing such annexation."

Respectfully submitted,

\_\_\_\_\_  
Date

\_\_\_\_\_  
Steven D. Hamit, Agent  
Massillon Municipal Government Center  
One James Durican Plaza  
Massillon, Ohio 44646  
(330) 830-1722





**BOAT IN FLEET**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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City of Mesquite, Ohio

STAFF SECURITY CONSULTING  
Approved by direction by the state secretary  
dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Date of Issue 10/23/2011 10/23/2011  
 Date of Entry 10/23/2011 10/23/2011  
 Date of Entry 10/23/2011 10/23/2011  
 Date of Entry 10/23/2011 10/23/2011

DATE: August 23, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 160 - 1999

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement, without competitive bidding, with URS Greiner Woodward Clyde for professional services for the public improvements for the Massillon Marketplace Development, and declaring an emergency.

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

Section 1:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement without competitive bidding, with URS Greiner Woodward Clyde for professional services for the public improvements for the Massillon Marketplace Development. The cost of said contract shall not exceed One Hundred Ten Thousand Dollars (\$110,000.00).

Section 2:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary for the public improvements for the Massillon Marketplace Development, 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.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATED: AUGUST 16, 1999

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 161-1999

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$125,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING ENGINEERING COSTS RELATED TO ANTICIPATED ROAD AND OTHER INFRASTRUCTURE IMPROVEMENTS, THE DEBT SERVICE PAYMENTS FOR WHICH ARE EXPECTED TO BE PAID FROM PAYMENTS IN LIEU OF TAXES MADE PURSUANT TO SECTION 5709.42, OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor (the "City Auditor") of the City of Massillon (the "City") has certified to this City Council (the "Council") that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being twenty (20) 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 \$125,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined hereinbelow), 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 twenty (20) 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 \$125,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such maturity date shall not be later than one year after the date of issuance of the Notes. The Notes shall be issued as one (1) fully registered note in book-entry form only. 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, including payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code, paid by property owners directly benefiting from the Project, 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%) 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 Fifth Third Securities, Inc., 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 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. The Notes shall be designated "City of Massillon, Stark



County, Ohio 1999 Infrastructure Notes" and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 10. FirstMerit Bank, N.A. in the City of Massillon, Ohio, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Notes. So long as any of the Notes remain outstanding, the City will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). The person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Note, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under the Note Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 11. For purposes of the Note Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes and to effect transfers of Notes, in book entry form.

The Notes will be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of the Note Ordinance; (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in the Note Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in the Note Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, the Note Ordinance.

The Clerk of the City is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, if requested, a letter agreement among the City, the Note Registrar and The Depository Trust Company, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to the City.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under the Note Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 12. 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 City 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 13. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the City Auditor and a no-litigation certificate of the Mayor and the City Auditor, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

Section 14. 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 15. 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 16. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 17. 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 this ordinance must be immediately effective so that the City can begin work on the Project during favorable weather conditions; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 16th day of August, 1999.

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President of Council

Approved:

\_\_\_\_\_  
Mayor



CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_-1999 duly adopted by the Council of the City of Massillon, Ohio on August 16, 1999, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on August \_\_\_\_, 1999.

\_\_\_\_\_  
Clerk  
City of Massillon, Ohio

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION PROVIDING  
FOR THE ISSUANCE OF  
GENERAL OBLIGATION NOTES

I, Janet Weir Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Massillon, Stark County, Ohio on August 16, 1999, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Ohio 1999 Infrastructure Notes, in the amount of \$125,000 was filed in this office on August \_\_\_\_, 1999.

WITNESS my hand and official seal at Canton, Ohio this \_\_\_\_ day of August, 1999.

[SEAL]

\_\_\_\_\_  
County Auditor  
Stark County, Ohio

DATED: AUGUST 16, 1999

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS ;

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 162-1999

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,200,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING LAND IN CONNECTION WITH A PROPOSED RECREATION CENTER 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 \$1,200,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes, 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 \$1,200,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such maturity date shall not be

later than one year after the date of issuance of the Notes. The Notes shall be issued as one (1) fully registered note in book-entry form only. Coupons shall not be attached to the Notes. The Notes shall be sold in minimum denominations of \$100,000.

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 (6.00%) 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 Fifth Third Securities, Inc., 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 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 or both of such signatures may be a facsimile. The Notes shall be designated "City of Massillon, Stark County, Ohio Recreation Center Land Acquisition Notes" 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, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges of the Notes and the Bonds in each year until full payment is made.

Section 11. FirstMerit Bank, N.A. in the City of Massillon, Ohio, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Notes. So long as any of the Notes remain outstanding, the City will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). The person in whose name any Note shall be registered on the Note Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Note shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Note, upon presentation and surrender at the office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar, may be exchanged for Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Note may be transferred only on the Note Register upon presentation and surrender thereof at the office of the Note Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Note Registrar. Upon that transfer, the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Notes. All Notes issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under the Note Ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12. For purposes of the Note Ordinance, the following terms shall have the following meanings:

"Book entry form" or "book entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Notes may be transferred only through a book entry and (ii) physical Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Notes.



"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Notes and to effect transfers of Notes, in book entry form.

The Notes will be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of the Note Ordinance; (i) there shall be a single Note of each maturity, (ii) those Notes shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Notes in book entry form shall be shown by book entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book entry; and (v) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Note service charges on Notes in book entry form registered in the name of a Depository or its nominee shall be payable in same day funds delivered to the Depository or its authorized representative upon presentation and surrender of Notes as provided in the Note Ordinance.

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Note or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided in the Note Ordinance, without prior presentation or surrender of the Note, upon any conditions which shall be satisfactory to the Note Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Note on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, the Note Ordinance.

The Clerk of the City is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, if requested, a letter agreement among the City, the Note Registrar and The Depository Trust Company, to be delivered in connection with the issuance of the Notes to the Depository for use in a book entry system in substantially the form submitted to the City.

If any Depository determines not to continue to act as a depository for the Notes for use in a book entry system, the City and the Note Registrar may attempt to have established a securities depository/book entry relationship with another qualified Depository under the Note Ordinance. If the City and the Note Registrar do not or are unable to do so, the City and the Note Registrar, after the Note Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Notes from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Notes), if the event is not the result of action or inaction by the City or the Note Registrar, of those persons requesting such issuance.

Section 13. 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 City 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 14. 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 15. 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 16. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 17. 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 prevailing interest rates are favorable; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 16th day of August, 1999.

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
President of Council

Approved:

\_\_\_\_\_  
Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. \_\_\_\_ - 1999 duly adopted by the Council of the City of Massillon, Ohio on August 16, 1999, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on August \_\_\_\_, 1999.

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Clerk  
City of Massillon, Ohio

RECEIPT OF COUNTY AUDITOR FOR  
LEGISLATION PROVIDING  
FOR THE ISSUANCE OF  
GENERAL OBLIGATION NOTES

I, Janet Weft Creighton, the duly elected, qualified, and acting County Auditor in and for Stark County, Ohio hereby certify that a certified copy of an ordinance duly adopted by the City Council of the City of Massillon, Stark County, Ohio on August 16, 1999, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Ohio Recreation Center Land Acquisition Notes, in the amount of \$1,200,000 was filed in this office on August \_\_\_\_, 1999.

WITNESS my hand and official seal at Canton, Ohio this \_\_\_\_ day of August, 1999.

[SEAL]

\_\_\_\_\_  
County Auditor  
Stark County, Ohio



DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 163 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing three funds entitled "Section 108 Guaranteed Loan Fund", "Section 108 Loan Repayment Fund" and "Marketplace Infrastructure Fund", and creating line items within said funds, and declaring an emergency.

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

Section 1:

There be and is hereby established within the City of Massillon, Ohio, three funds entitled "Section 108 Guaranteed Loan Funds Fund", "Section 108 Loan Repayment Fund" and "Marketplace Infrastructure Fund", and creating line items within said funds.

Section 2:

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

Section 3:

That this Ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to establish these Funds for accounting procedures within the Auditor's Department. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

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

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

DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 164 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 1999 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$ 15,000.00 FROM: "Garage Salary" 1100.440.2110  
\$ 10,000.00 FROM: "Building Salary" 1100.415.2110  
\$ 5,000.00 FROM: "Law Director Clerks Salary" 1100.115.2110  
\$ 5,000.00 FROM: "Engineering Dept. Salary" 1100.405.2110  
TO: "Street Dept. Salary" 1100.435.2110  
  
\$ 8,000.00 FROM: "Workers Comp" 1100.905.2270  
TO: "Street Salary" 1100.435.2110  
  
\$ 7,000.00 FROM: "Sanitation Dept. Salary" 1100.710.2110  
TO: "Health Dept. Salary" 1100.705.2110  
  
\$ 5,000.00 FROM: "Law Directors Clerks Salary" 1100.115.2111  
TO: "Domestic Violence Salary" 1100.116.2111

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the more efficient operation of the various departments in the City of Massillon, Ohio, 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 \_\_\_\_\_, 1999

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL      DENNIS D. HARWIG, PRESIDENT

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

DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 165 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from the Park and Rec Capital Improvement Fund to the Park and Rec Recreation Center Fund, of the City of Massillon, Ohio, and declaring an emergency.

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

Section 1:

There be and hereby is transferred from the 1999 appropriation from the Park and Rec Capital Improvement Fund to the Park and Rec Recreation Center Fund, of the City of Massillon, Ohio, the following:

\$387,223.00 FROM: "Transfer To" 1433.505.2710  
TO: "Transfer In" 1435.505.1860

Section 2:

That this Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are necessary for the operation of the Park and Rec Department, 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 \_\_\_\_\_ 1999

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

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



DATE: August 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 166 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the , Recreation Center Fund, Marketplace Infrastructure Fund, UDAG Fund, Parks and Recreation Fund, and the Law Enforcement Trust Fund, for the year ending December 31, 1999, 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 Recreation Center Fund for the year ending December 31, 1999, the following:

\$387,223.00 to an account entitled "Recreation Center Project" 1435.505.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Market Infrastructure Fund for the year ending December 31, 1999, the following:

\$110,000.00 to an account entitled "Massillon Marketplace Infrastructure Project" 1419.435.2510

Section 3:

There be and hereby is appropriated from the unappropriated balance of the UDAG Fund of he City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$25,000.00 to an account entitled "Legal/Professional Services" 1217.840.2393

Section 4:

There be and hereby is appropriated from the unappropriated balance of the Parks and Recreation Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 2,500.00 to an account entitled "Contractual Services" 1234.450.2392

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Law Enforcement Trust Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 2,920.00 to an account entitled "Supplies/Material/Postage " 1215.305.2410

Section 5:

This Ordinance is hereby declared to be an emergency measure, for the efficient operation of the various departments of the City of Massillon and for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1999

ATTEST: \_\_\_\_\_  
SHARON HOWELL, CLERK OF COUNCIL

\_\_\_\_\_  
DENNIS D. HARWIG, PRESIDENT

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

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

DATE: AUGUST 23, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 5 - 1999

BY: FINANCE COMMITTEE

TITLE: A RESOLUTION designating a Fiscal Audit Team and Report Review Committee for the City of Massillon.

WHEREAS, the office of the auditor of the State of Ohio has suggested that the City of Massillon establish a Fiscal Audit Team and Report Review Committee, and

WHEREAS, the committee would serve as a liaison between City management and independent audit; and

WHEREAS, it would be in the best public interest of the citizens of Massillon that this committee be established

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

Section 1:

The Council of the City of Massillon, hereby finds it in its best interest to designate a Fiscal Audit Team and Report Review Committee.

Section 2:

Council hereby appoints the following citizens as members to this newly designated Committee: Dolores Loomis, Bill Hamit, Tim Bryan and Richard Leffler Jr.

Section 3:

The objectives and operation of the Committee shall be as follows:

1).. The Committee should organize on a regular basis (perhaps quarterly but not less than at least once annually) and do the following:

- A). The Committee should meet with the Audit Team (I.E. AOS Staff) or its appropriate representative (E.g. Senior Deputy Auditor) prior to the audit to review the scope and terms of the engagement.
- B). The Committee should meet with the Audit Team or its appropriate representatives to review the results of the audit. This preferably would be during the post audit conference.
- C). The Committee should review and comment upon any material changes in the internal control systems and accounting polices/procedures addressed in the engagement letter and audit reports.
- D). The Committee should assure the auditors' independence from management and evaluate any potential conflict of interest and ethical conflicts.
- E). The Committee, in addition to pre-audit and post-audit meetings, should schedule meetings on an as-needed basis.
- F). The Committee should serve as liaison between management and independent auditors.

Section 4:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of Massillon and for the additional reason that the Office of the Auditor of the State of Ohio has strongly suggested that this Committee be established. Provided it receives the affirmative vote of two-thirds of all the members duly elected 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 \_\_\_\_\_ 1999

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

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