

AGENDA

DATE: NOVEMBER 15, 1999
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

1. ROLL CALL
2. INVOCATION - COUNCILMAN CHARLES TRIBETT
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

- Rolbr Absent -

ORDINANCE NO. 215 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

1st **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to O-1 Office, and declaring an emergency.

ORDINANCE NO. 216 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

1st **AN ORDINANCE** amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to B-1 Neighborhood Business, and declaring an emergency.

ORDINANCE NO. 217 - 1999 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM.

P 2-1 **AN ORDINANCE** authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a five (5) year Lease Agreement for and on behalf of the City of Massillon, Ohio, with the Joe Sparma Community Center for the Youth Center, and declaring an emergency.

ORDINANCE NO. 218 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, 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 a (30' x 90') canvas pavilion, with decorative windows, for use at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 219 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with Motter and Meadows Architects for the architectural drawings for the club house improvements at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 220 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, to hire John Robinson to do architectural drawings for the new nine hole expansion at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 221 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety to enter into an agreement, to purchase property from Bonk Enterprises for the nine hole expansion of The Legends of Massillon Golf course, and declaring an emergency.

NOVEMBER 15, 1999

ORDINANCE NO. 222 - 1999 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

P **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, 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 the lease/purchase of electric golf carts for The Legends of Massillon Golf course, and declaring an emergency.

ORDINANCE NO. 223 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

B/P **AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an agreement with Wilma G. Dillon, to acquire the property located at 314 First Street N.W. and is known as City Lot No. 2572 in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 224 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

P **AN ORDINANCE** authorizing and directing the Director of Public Service and Safety to enter into an agreement with Archie D. Toland, Executor of the Estate of Lilly V. Cameron, to acquire the property located at 315 Third Street N.W. and is known as Part of Lot No. 9249 in the City of Massillon, and declaring an emergency.

ORDINANCE NO. 225 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

file P **AN ORDINANCE** petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon and Perry Township, and declaring an emergency.

ORDINANCE NO. 226 - 1999 BY: FINANCE COMMITTEE

P **AN ORDINANCE** reducing appropriations in the Federal Grant Cops Fund, Muni Motor Vehicle License Fund, Solid Waste Fund and the Swimming Pool Fund of the City of Massillon, for the year ending December 31, 1999, and declaring an emergency.

ORDINANCE NO. 227 - 1999 BY: FINANCE COMMITTEE

SDA DB P **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund, Municipal Road Fund, General Fund, Income Tax CI Fund, Economic Development Fund and the Massillon Museum Fund, of the City of Massillon, for the year ending December 31, 1999, and declaring an emergency. *SDA*

ORDINANCE NO. 228 - 1999 BY: FINANCE COMMITTEE

P **AN ORDINANCE** making certain transfers in the 1999 appropriation from within the General Fund to the Income Tax CI Fund, of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 229 - 1999 BY: FINANCE COMMITTEE

DB P **AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, and declaring an emergency.

Land acquisition.

NOVEMBER 15, 1999

ORDINANCE NO. 230 - 1999 BY: FINANCE COMMITTEE

P AN ORDINANCE authorizing the issuance of not to exceed \$1,000,000.00 of notes in anticipation of the issuance of bonds for the purpose of acquiring and improving land for the Municipal Golf Course and expanding, renovating and improving the golf course club house and pavilion, and acquiring necessary appurtenances in connection therewith, and declaring an emergency.

RESOLUTION NO. 6 - 1999 BY: FINANCE COMMITTEE

P A RESOLUTION accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

7. UNFINISHED BUSINESS
8. PETITIONS AND GENERAL COMMUNICATIONS
9. BILLS, ACCOUNTS AND CLAIMS
10. REPORTS FROM CITY OFFICIALS

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

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

ORDINANCE NO. 203 - 1999 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

Tablod to 12/6/99
AN ORDINANCE amending CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" and enacting a new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS", and declaring an emergency.

ORDINANCE NO. 204 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Tablod to 12/6/99
AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning certain tracts of land from R-1 Single Family Residential to R-T Two Family Residential, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 208 - 1999 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

P AN ORDINANCE amending the agreement between the City of Massillon and Elastochem, Inc., under the Ohio Urban Jobs and Enterprise Zone Program, by assigning to Rhein Chemi Corporation, the interest, rights and duties under the original Enterprise Zone Agreement, and declaring an emergency.

NOVEMBER 15, 1999

ORDINANCE NO. 210 - 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 A-1 Agricultural to RM-1 Multiple Family Residential, 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 IS A PUBLIC HEARING THIS EVENING
REGARDING ORDINANCE NO. 203 - 1999 AT 7:00 P.M.

DATE: November 15, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 215 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to O-1 Office, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential to O-1 Office. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 13th, 1999 and that notice and public hearing has been given according to law.

Section 2:

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

Being known as Part of Out Lot 249, a 0.50 acre parcel, located at 2307 Lincoln Way West in Massillon, Ohio.. This request has been submitted by Bruce and Julie Horvath, who wish to purchase this property and convert the building into an insurance office.

Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated O-1 Office. 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

0	09	08	07	06	05	104	403	402	401	1400	4399	4396
												4397
												4398

N.W.											
27TH STREET											
50'											

4390	4389	4388	4387	4386	4385	4384	4383	4382	4381	4380	4379	4378	4377	4376

8711	8710	8709	8708	8707	8706	8681	8680	8679	8678	8677	8676	8675	8674	8673	8672	8671	8670

8705	8704	8682	8683	8684	8685	8686	867	8688	8689	8690	8669	8668

26292
N.W. LINCOLN WAY WEST

DATE: November 15, 1999 CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 216 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from R-1 Single Family Residential to B-1 Neighborhood Business, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential to B-1 Neighborhood Business. Said rezoning was approved by the Planning Commission of the City of Massillon, Ohio, on October 13th, 1999 and that notice and public hearing has been given according to law.

Section 2:

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

Being known as Part of Out Lot 245, an additional 107.70 feet by 120 feet portion of this property which is located at 2629 Lincoln Way West in Massillon, Ohio. This request has been submitted by Russell Draime, the property and business owner who wishes to expand the existing Twistee Treat Restaurant.

Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated B-1 Neighborhood Business. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 217 - 1998

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into a five (5) year Lease Agreement for and on behalf of the City of Massillon, Ohio, with the Joe Sparma Community Center for the Youth Center, and declaring an emergency.

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

Section 1:

The Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, be and are hereby authorized to execute on behalf of the City of Massillon, Ohio, a five (5) year Lease Agreement with the Joe Sparma Community Center for the Youth Center.

Section 2:

That the Lease Agreement shall pertain to the Joe Sparma Community Center property located at 50 Pearl Avenue S.E, Massillon, Ohio for the Youth Center. A copy of said Lease Agreement is hereby attached and made a part of this ordinance.

Section 3

That said premises shall be leased for an amount of One Dollar (\$1.00) per year. Said Lease Agreement shall be for a period of five (5) years.

Section 4:

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 lease the property for use by the Youth Center of the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members of 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

LEASE AGREEMENT

This Agreement made at Massillon, Ohio, on _____, 1999, by and between JOE SPARMA COMMUNITY CENTER, an Ohio corporation not for profit, herein referred to as the "Lessor," and CITY OF MASSILLON, OHIO, a municipal corporation, herein referred to as the "Lessee":

WITNESSETH, that Lessor hereby does lease unto Lessee the building and surrounding vacant land formerly known as the Edmund Jones Junior High School located at 50 Pearl Avenue, S.E., Massillon, Ohio, hereinafter referred to as the "Premises."

1. PURPOSE: Lessee agrees that it shall use the Premises as a Youth Center or any other lawful purpose.

2. TERM: To have and to hold for a period of five (5) years commencing on _____, 1999, and ending on _____, 2004, upon the terms and conditions herein provided.

3. RENTAL: The rent for the leased premises shall be \$1.00 per year paid in advance.

4. OPTION: Lessee shall have an option for an additional five-year period commencing on the ending date of the original term. Provided, however, that Lessee shall notify Lessor of Lessee's intentions to exercise the option, by certified mail, at least 90 days prior to the expiration of the preceding term herein.

5. NET/NET/NET LEASE: This Lease Agreement shall be deemed to be a net/net/net lease to Lessor as said term "Net/Net/Net" is defined by the custom and usage of the community, or as hereinafter enlarged or diminished by specific provisions of this Agreement hereinafter to follow.

6. INSURANCE: Lessee agrees to carry and pay for fire and extended coverage insurance on the Premises in an amount agreed to by the parties hereto.

Lessee further agrees to carry and pay for public liability insurance in an amount agreed to by the parties hereto.

7. WAIVER OF SUBROGATION: Each party hereto mutually agrees to waive any right of subrogation of any insurance loss against the other party, providing the said waiver does not violate the terms and conditions of the insurance policy covering said loss.

8. UTILITIES: Lessee will pay all bills and charges for all utilities which may be assessed or charged against the Premises during the term of this Lease.

9. REAL ESTATE TAX: The premises currently are exempt from real estate taxes, but in the event the Lessee uses the property in any manner which would give rise to the payment of real estate taxes, the Lessee shall pay said real estate taxes.

10. REPAIRS AND IMPROVEMENTS: Lessee shall commit no act of waste and shall take good care of the Premises and the fixtures and appurtenances therein, and shall, in the use and occupancy of the Premises, conform to all laws, orders and regulations of the federal, state and municipal governments or any of their departments.

Lessee shall make all repairs to the Premises at its own expense, including but not limited to structural repairs and all repairs and replacements to systems therein. All improvements made by Lessee to the Premises which are so attached to the Premises that they cannot be removed without material injury to the Premises, shall become the property of Lessor when Lessee vacates the Premises or when this lease terminates, whichever first occurs. No later than the last day of the term, Lessee shall, at Lessee's expense, remove all of Lessee's personal property and those improvements made by Lessee which can be removed without injury to the Premises, including trade fixtures, cabinetwork, movable paneling, partitions and the like, repair all injury done by or in connection with the installation or removal of said property and improvements, and surrender the Premises in as good condition as they were in at the beginning of the term, reasonable wear and tear excepted and insured against damage by fire, the elements, and casualty excepted. All property of Lessee remaining on the Premises when Lessee vacates the Premises or after the last day of the term of this Lease shall be conclusively deemed abandoned and may be removed and/or ownership obtained by Lessor, and Lessee shall reimburse Lessor for the cost of such removal.

11. ALTERATIONS: Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions or improvements in, to or about the Premises, which consent shall not be unreasonably withheld or delayed. Lessor shall permit reasonable alterations and improvements required for the conduct of Lessee's current business.

12. ASSIGNMENT OR SUB-LETTING: Lessee shall have the right to assign this Lease, or sublet the Premises, for any lawful purpose but shall notify the Lessor of any assignment or sublease.

13. INSPECTION OF PREMISES: Lessor may have free access to the Premises at all reasonable times after reasonable advance notice to Lessee for the purpose of examining the same or to make any alterations or repairs to the building that Lessor may deem necessary for its safety or preservation.

14. MECHANICS' LIENS: Lessee shall within 30 days after written notice from Lessor discharge any mechanics' liens for materials or labor claimed to have been furnished to the Premises on Lessee's behalf.

15. NOTICES: Any notice by either party to the other shall be in writing and shall be deemed to have been duly given only if delivered personally or sent by registered or certified mail in a postpaid envelope addressed; if to Lessee, at City Hall, Massillon, Ohio 44646; if to Lessor, at P. O. Box 196, Massillon, Ohio 44648; or, to either, at such other address as Lessee or Lessor, respectively, may designate to the other in writing.

16. USE OF PREMISES BY LESSOR: Lessor shall have the absolute right to hold its Board of Directors meetings at said premises and shall have the right to hold four (4) one-day events at said premises. For events, the Lessor shall give the Lessee thirty (30) days advance notice of the time and date of the event. In addition, Lessor may have access to and use said premises for any lawful purpose at such times as the Premises are not being used by the Lessee, its assigns or subtenants, and providing the use by the Lessor does not interfere with the use of said Premises by the Lessee, its assigns or subtenants.

IN WITNESS WHEREOF, the undersigned Lessor and Lessee hereto execute this Lease as of the day and year first above written.

Signed and acknowledged
in the presence of:

JOE SPARMA COMMUNITY CENTER
LESSOR

By: _____

CITY OF MASSILLON
LESSEE

By: _____

STATE OF OHIO :
SS.
COUNTY OF STARK:

Before me, a Notary Public in and for said county and state, personally appeared the above-named _____, _____ of Joe Sparma Community Center, Lessor, who acknowledged that he did sign the foregoing Lease, and that the same is his free act and deed on behalf of the Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 1999.

NOTARY PUBLIC

STATE OF OHIO :
SS.
COUNTY OF STARK:

Before me, a Notary Public in and for said county and state, personally appeared the above-named _____, _____ of the City of Massillon, Ohio, Lessee, who acknowledged that he did sign the foregoing Lease, and that the same is his free act and deed on behalf of the Municipal Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 1999.

NOTARY PUBLIC

«CT2:230286_1»

DATE: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 218 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for a (30' x 90') canvas pavilion, with decorative windows for use at The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for a (30' x 90') canvas pavilion, with decorative windows for use at The Legends of Massillon Golf Course.

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, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for a (30' x 90') canvas pavilion, with decorative windows for use at The Legends of Massillon Golf Course.

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 for the more efficient operation of The Legends of Massillon Golf Course. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 219 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, with Motter and Meadows Architects for the architectural drawings for the club house improvements at The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, with Motter and Meadows Architects for the architectural drawings for the club house improvements at The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract agreement, without competitive bidding, with Motter and Meadows Architects for the architectural drawings for the club house improvements at The Legends of Massillon Golf Course.

Section 3:

The cost of said contract shall not exceed Thirty-Two Thousand Dollars (\$32,000.00).

Section 4:

Upon the completion of said services the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for such services, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the contract agreement be entered into for the club house improvements at The Legends of Massillon Golf Course. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 220 -1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract, without competitive bidding, to hire John Robinson to do architectural drawings for the new nine hole expansion at The legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a contract, without competitive bidding, to hire John Robinson to do architectural drawings for the new nine hole expansion at The legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into a contract, without competitive bidding, to hire John Robinson to do architectural drawings for the new nine hole expansion at The legends of Massillon Golf Course.

Section 3:

The cost of said contract shall not exceed Forty Thousand Dollars (\$40,000.00).

Section 4:

Upon the completion of said services the Director of Public Service and Safety is hereby authorized to issue vouchers to the Auditor of the City of Massillon, Ohio, directing prompt payment for such services, and the City Auditor is hereby authorized and directed to honor and pay said vouchers.

Section 5:

That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the contract agreement be entered into for the architectural work for the expansion of The Legends of Massillon Golf Course. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 221 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into an agreement, to purchase property from Bonk Enterprises for the nine hole expansion of The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into an agreement, to purchase property from Bonk Enterprises for the nine hole expansion of The Legends of Massillon Golf Course.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an agreement, to purchase property from Bonk Enterprises for the nine hole expansion of The Legends of Massillon Golf Course.

Section 3:

The cost of said property shall be Three Hundred Sixty Thousand Dollars (\$360,000.00).

Section 4:

That the City Auditor is hereby authorized to pay the purchase price of Three Hundred Sixty Thousand Dollars (\$360,000.00) from the ~~Capital Improvement Fund~~.

Municipal Golf Course Fund

Section 5:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary that the contract agreement be entered into for the purchase of additional property for the expansion of The Legends of Massillon Golf Course. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 222 - 1999

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for, receive sealed bids and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the lease/purchase of electric golf carts for The Legends of Massillon Golf Course, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the lease/purchase of electric golf carts for The Legends of Massillon Golf Course.

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, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the lease/purchase of electric golf carts for The Legends of Massillon Golf Course.

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 for the more efficient operation of The Legends of Massillon Golf Course. 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 223 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with Wilma G. Dillon, to acquire the property located at 314 First Street N.W. and is known as City Lot No. 2572 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 real property owned by Wilma G. Dillon, located 314 First Street N.W. and known as City Lot No. 2572 in the City of Massillon is needed for the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Sixty-One Thousand Dollars (\$61,000.00) 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 Sixty-One Thousand Dollars (\$61,000.00) from the Capital Improvement Fund.

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.

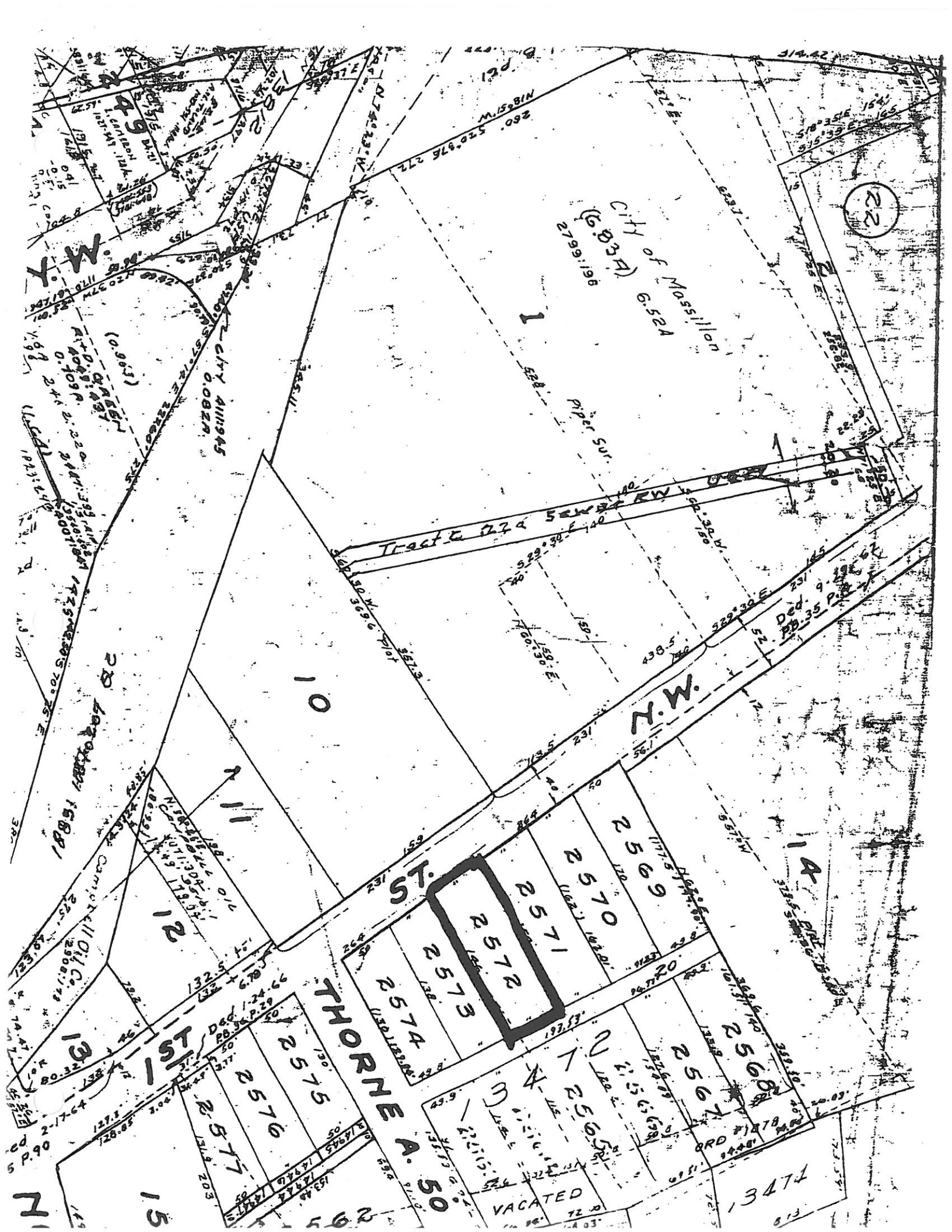
Section 5:

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 the Lincoln Centre Phase III Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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



DATE: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 224 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with Archie D. Toland, Executor of the Estate of Lilly V. Cameron, to acquire the property located at 315 Third Street N.W. and is known as Part of Lot No. 9249 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 real property owned by Archie D. Toland, Executor of the Estate of Lilly V. Cameron, located 315 Third Street N.W. and known as Part of Lot No. 9249 in the City of Massillon is needed for the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety is authorized to enter into an agreement to purchase the above described real estate for Sixty-Seven Thousand Dollars (\$67,000.00) 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 Sixty-Seven Thousand Dollars (\$67,000.00) from the Capital Improvement Fund.

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:

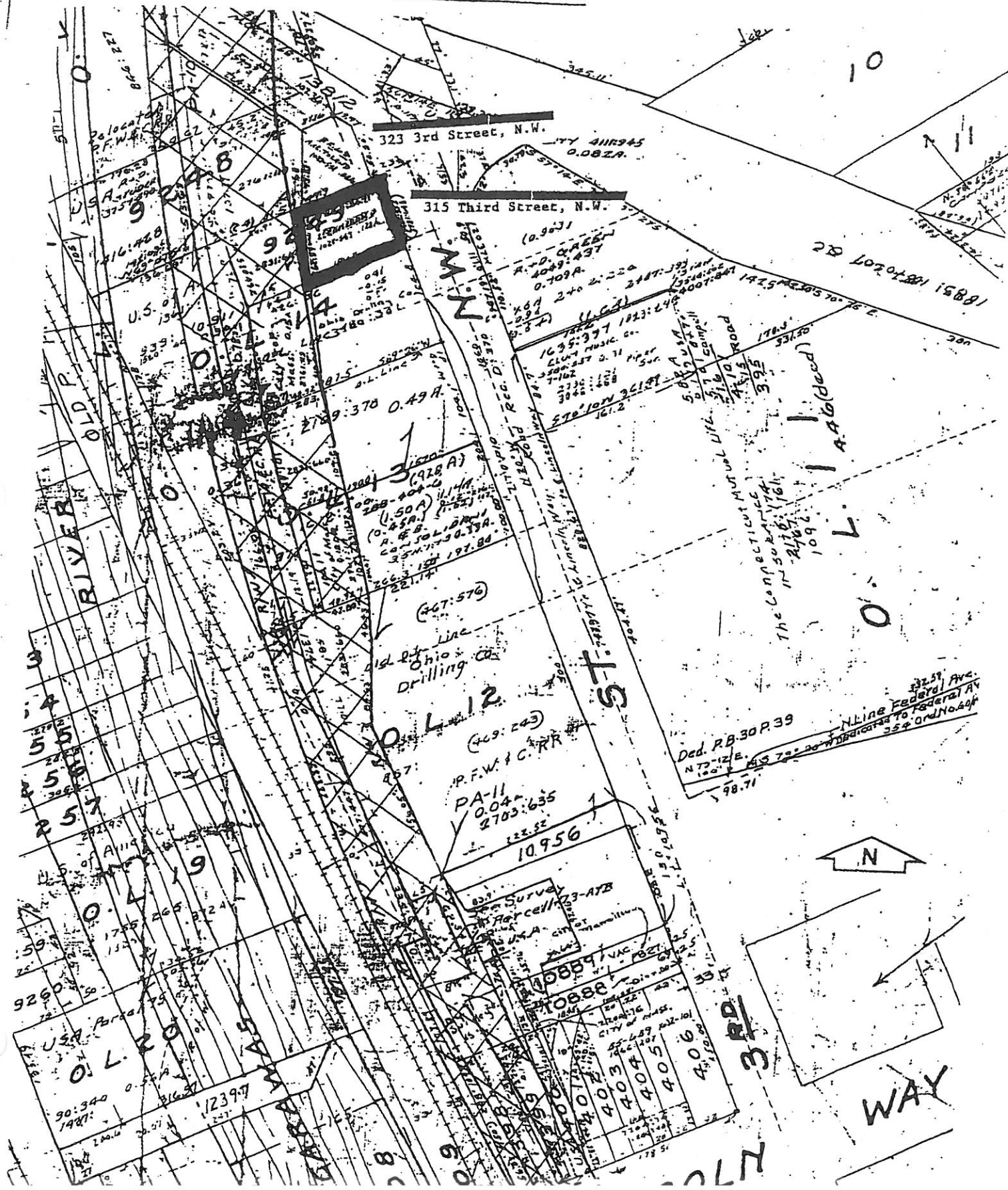
That this Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the health, safety and welfare of the community and for the additional reason that the acquisition of the real estate is necessary for the Lincoln Centre Phase III Project. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

PROPERTY SKETCH



DATE: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 225 - 1999

BY: COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: AN ORDINANCE petitioning the Board of County Commissioners of Stark County, Ohio, for a change in the township lines of Massillon, and Perry Township, and declaring an emergency.

WHEREAS, Massillon Township was erected to conform with the corporation limits of the City of Massillon, Stark County, Ohio by the Board of County Commissioners on August 19, 1963, and

WHEREAS, the corporation limits of the City of Massillon, Ohio, have been enlarged since the erection of said Massillon Township, through the annexation of one (1) tract of land comprising a part of Perry Township, and

WHEREAS, these annexed lands are still shown as a part of Perry Township, and the County Commissioners must amend the boundaries.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that the corporation limits of the City of Massillon includes one (1) tract of land which is part of Perry Township, Stark County, Ohio, and that it will be in the public interest of the City to have the boundaries of said Perry Township changed by excluding this one (1) tract of land from said Perry Township and adding this one (1) tract of land to Massillon Township within the corporation limits of the City.

Section 2:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07 Ohio Revised Code, to change the Township boundaries of Perry Township and Massillon Township, all in Stark County, Ohio, by excluding from said Perry Townships by adding to said Massillon Township the respective areas thereof which are presently located within the corporation limits of the City of Massillon, Ohio, which areas are described as follows:

Known and being part of the Northwest Quarter Section 10 of Perry Township, Stark County, State of Ohio and being further described as follows:

Beginning at the Northwest corner of said Northwest quarter Section 10, said point also being on the corporation line of the City of Massillon; Thence S 03°24'45"W along the west line of said quarter section and corporation line a distance of 768.90' to a point, and the true place of beginning;

Thence S 86°51'28"E a distance of 344.20 to a point;

Thence S 03°25'53"W a distance of 197.82' to a point;

Thence N 03°50'52"W a distance of 344.13' to a point;

Thence N 03°24'45"E, along the west line of the Northwest quarter Section 10 a distance of 197.70' to a point, said point being the true place of beginning, containing 1.562 acres in the Northwest Quarter Section 10, Perry Township. Total acreage in annexation is 1.562 acres, more or less.

Section 3:

Attached hereto and made a part of this Ordinance is one (1) map covering the tract of land described in Section 2 of this Ordinance.

Section 4:

The Board of County Commissioners of Stark County, Ohio, are hereby petitioned under the authority of Section 503.07, Ohio Revised Code, to add the one (1) tract of land described in Section 2 of this Ordinance to Massillon Township, Stark County, Ohio.

Section 5:

Upon passage of this Ordinance the Clerk of Council is directed to forward a certified copy thereof and the attached map, together with an authenticated copy of the proceedings relating thereto, to the Board of County Commissioners of Stark County, Ohio.

Section 6:

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of this community and for the further reason that the timely resolution of its subject matter is essential for making the boundary lines of Massillon Township conform with the corporation lines of the City of Massillon, Ohio. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 1999

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

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

DATE: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 226 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE reducing appropriations in the Federal Grant Cops Fund, Muni Motor Vehicle License Fund, Solid Waste Fund and the Swimming Pool Fund of the City of Massillon, 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 a reduced appropriation in the Federal Grant Cops Fund for the year ending December 31, 1999, the following:

\$ 19,000.00 from an account entitled "Equipment" 1231.305.2510

Section 2:

There be and hereby is a reduced appropriation in the Solid Waste Fund for the year ending December 31, 1999, the following:

\$ 5,000.00 from an account entitled "Health, Life, Pres, Dental" 2102.605.2210

Section 3:

There be and hereby is a reduced appropriation from the unappropriated balance of the Muni Motor Vehicle License Fund for the year ending December 31, 1999, the following:

\$ 2,300.00 from an account entitled "Supplies" 1206.435.2410

Section 4:

There be and hereby is a reduced appropriation in the Swimming Pool Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$ 35.00 from an account entitled "Supplies" 1236.705.2410

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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 227 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund, Municipal Road Fund, General Fund, Income Tax CI Fund, Economic Development Fund and the Massillon Museum Fund, of the City of Massillon, 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 the Municipal Golf Course Fund for the year ending December 31, 1999, the following:

\$1,000,000.00 to an account entitled "Capital Project" 1432.920.2510

Section 2:

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

\$ 300,000.00 to an account entitled "Return on Advance" 1409.435.2750

Section 3:

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

^{130,000}
\$ ~~250,000.00~~ to an account entitled "Transfer to CI Fund" 1100.905.2710

Section 4:

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

\$29,000.00 to an account entitled "Tanker Conversion" 1401.325.2530

Section 5:

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

\$ 10,000.00 to an account entitled "Services & Contracts" 1237.845.2392

Section 6:

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

\$ 4,000.00 to an account entitled "Massillon Museum" 3110.905.2379

Section 7:

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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 228 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 1999 appropriation from within the General Fund to the Income Tax CI 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 to the Income Tax CI Fund, of the City of Massillon, Ohio, the following:

\$130,000.00 FROM: "Transfer To" 1100.905.2710
TO: "Transfer In" 1401.905.1860

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 Income Tax 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: November 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 229 - 1999

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund of the City of Massillon, Ohio, 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 the Capital Improvement Fund of the City of Massillon, Ohio, for the year ending December 31, 1999, the following:

\$130,000.00 to an account entitled "Property Acquisition" 1401.410.2590

Section 2:

This Ordinance is hereby declared to be an emergency measure, for the reason that said appropriation is needed for the acquisition of property within the northwest section of downtown in the Lincoln Centre Phase III area, 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

DATED: NOVEMBER 15, 1999

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 230-1999

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,000,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND IMPROVING LAND FOR THE MUNICIPAL GOLF COURSE AND EXPANDING, RENOVATING AND IMPROVING THE GOLF COURSE CLUBHOUSE AND PAVILION, AND ACQUIRING NECESSARY APPURTENANCES IN CONNECTION THEREWITH 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 \$1,000,000 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 \$1,000,000, 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.

Section 5. The Notes shall be issued as fully registered notes in book-entry only form in denominations of \$100,000 or any integral multiple of \$5,000 in excess thereof. Coupons shall not be attached to the Notes. The Notes shall be sold in a transaction exempt from the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission. The exemption requires that, (i) the Notes be issued only in authorized denominations of \$100,000 or more and with restrictions that prevent the sale or transfer of Notes in principal amounts of less than \$100,000 and (ii) the Notes be sold to no more than 35 persons each of whom the Original Purchaser (as defined hereinbelow) reasonably believes: (A) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of investment in the Notes and (B) is not purchasing the Notes for more than one account or with a view to distributing the Notes. Based upon the foregoing, beneficial interests in the Notes are not to be sold or transferred in principal amounts of less than \$100,000.

Section 6. 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 7. 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 8. 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 9. 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 10. 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 Golf Course Improvement Notes" and shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 11. 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 12. ^{11 5/3 Bank Cincinnati} 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 this 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 this ordinance, as the Notes surrendered upon that transfer or exchange.

Section 12
13. For purposes of this 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 this 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 this 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 this 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, this 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 this 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.

¹³
Section 14. 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.

¹⁴
Section 15. 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.

¹⁵
Section 16. 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.

¹⁶
Section 17. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

¹⁷
Section 18. 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 and current conditions of the golf course clubhouse require immediate attention; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 15th day of November, 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 November 15, 1999, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on November ____, 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 November 15, 1999, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Ohio Recreation Center Golf Course Improvement Notes, in the amount of \$1,000,000 was filed in this office on November ____, 1999.

WITNESS my hand and official seal at Canton, Ohio this ____ day of November, 1999.

[SEAL]

County Auditor
Stark County, Ohio

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(CITY COUNCIL)

Rev. Code, Secs. 5705.34, 5705.35

The Council of the City of _____ Massillon _____,
County, Ohio, met in _____ session on the _____ day of _____,
(Regular or Special)
19_____, at the office of _____ with the following members
present:

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 19_____; and

WHEREAS, The Budget Commission of _____ County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore be it

RESOLVED, By the Council of the City of _____, _____ County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

10 , for not to exceed years.

Fund: Levy authorized by voters on

19 , for not to exceed years.

and be it further

RESOLVED, That the Clerk of this Council be, and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr.seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr.

Mr.

Mr.

Mr.

Mr.

Mr.

custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this.....day of....., 19.....

Clerk of Council

1. A copy of this Resolution must be certified to the County Auditor before the first day of October in each year, or at such later date as may be approved by the Board of Tax Appeals.

No.....

COUNCIL OF THE CITY OF

County, Ohio

RESOLUTION

ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

(City Council)

Adopted....., 19.....

Clerk of Council

Filed....., 19.....

County Auditor

By..... Deputy