

AGENDA

DATE: MAY 15, 2000
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

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

ORDINANCE NO. 105 - 2000 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

JB ✓
P 8-1 ✓
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Transportation Enhancement Funds with the Ohio Department of Transportation for the Massillon Trailhead Connector Project, and declaring an emergency.

ORDINANCE NO. 106 - 2000 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

JB ✓
P 8-1 ✓
AN ORDINANCE authorizing and directing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter an Local Public Agency Agreement with the State of Ohio Department of Transportation for the pedestrian access bridge from the downtown area to the Ohio & Erie Canal Corridor Trail STA-172-6.83 Project, and declaring an emergency.

ORDINANCE NO. 107 - 2000 BY: SEWER AND WASTE COMMITTEE

SD ✓
P 7-2 ✓
AN ORDINANCE authorizing and directing 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 excavation of approximately 150,000 cubic yards of earth along Erie Street, and declaring an emergency.

ORDINANCE NO. 108 - 2000 BY: SEWER AND WASTE COMMITTEE

JH ✓
P ✓
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of an easement and sewer extension of the West Massillon Sanitary Trunk Sewer for the Westbrook Subdivision, and declaring an emergency.

ORDINANCE NO. 109 - 2000 BY: FINANCE COMMITTEE

P ✓
AN ORDINANCE making certain transfers in the 2000 appropriation from within the General Fund of the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 110 - 2000 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the issuance of not to exceed \$2,830,000.00 of notes in anticipation of the issuance of bonds for the purpose of acquiring and improving land for the Municipal Golf course; expanding renovating and improving the golf course clubhouse and pavilion; furnishing and equipping the same; and acquiring necessary appurtenances in connection therewith; retiring notes previously issued for such purpose; and declaring an emergency.

ORDINANCE NO. 111 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE authorizing the issuance of not to exceed \$200,000.00 of notes in anticipation of the issuance of bonds for the purpose of site improvements for the City Recreation Center, including demolition related thereto; and declaring an emergency.

ORDINANCE NO. 112 - 2000 BY: FINANCE COMMITTEE

P *SDH*
AN ORDINANCE authorizing the issuance of not to exceed \$240,000.00 of notes in anticipation of the issuance of bonds for the purpose of dredging and improving the reservoir at reservoir park and site improvements related thereto; and declaring an emergency.

ORDINANCE NO. 113 - 2000 BY: FINANCE COMMITTEE

SDH
AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund, Bond Retirement Fund, P&R Reservoir Project Fund and the P&R Recreation Center Fund of the City of Massillon, for the year ending December 31, 2000, and declaring an emergency.

ORDINANCE NO. 114 - 2000 BY: FINANCE COMMITTEE

P
AN ORDINANCE establishing two funds entitled "P&R Reservoir Project Fund" and Lincoln Center Phase III Fund" and creating line items within said funds, and declaring an emergency.

ORDINANCE NO. 115 - 2000 BY: FINANCE COMMITTEE

AN ORDINANCE making certain transfers in the 2000 appropriation from within the Park and Rec Capital Improvement Fund to the P&R Reservoir Project Fund, of the City of Massillon, Ohio, and declaring an emergency.

RESOLUTION NO. 12 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

1st
A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

RESOLUTION NO. 13 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

Eminent Domain
Lincoln Center
1st
A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

RESOLUTION NO. 14 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

1st
A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

MAY 15, 2000

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

A). LETTER OHIO DIVISION OF LIQUOR CONTROL REGARDING A **NEW** LIQUOR LICENSE FOR PORTS PETROLEUM CO., INC. DBA FUEL MART #617, 522 ERIE STREET, MASSILLON, OHIO 44646

9. BILLS, ACCOUNTS AND CLAIMS

10. REPORTS FROM CITY OFFICIALS

- A).** MAYOR SUBMITS MONTHLY REPORT FOR APRIL - 2000
- B).** POLICE CHIEF SUBMITS MONTHLY REPORT FOR APRIL - 2000
- C).** FIRE CHIEF SUBMITS MONTHLY REPORT FOR APRIL - 2000
- D).** TREASURER SUBMITS MONTHLY REPORT FOR APRIL - 2000
- E).** MAYOR PRESENTS 2000 STREETS TO BE REPAIRED

11. REPORTS OF COMMITTEES

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

13. CALL OF THE CALENDAR

14. THIRD READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 71 - 2000 BY: FINANCE COMMITTEE

6-3
AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by repealing existing Section 937.08(1) (2) "Administration and Disbursement of Funds" and enacting a new Section 937.08 (1), (2) and (3) "Administration and Disbursement of Funds" of CHAPTER 937 "**WASTEWATER TREATMENT REVENUE FUND**", and declaring an emergency.

Bryan, Filhour, Halper.

15. SECOND READING ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 10 - 2000 BY: COMMUNITY DEVELOPMENT & ANNEXATION COMM

2 vol
A RESOLUTION reversing the decision of the Massillon Zoning Board of Appeals made on April 13th, 2000 wherein the Zoning Board of Appeals did approve a setback variance as it relates to property owned by Mr. Davor Nincevic and known as Lot No. 3300 located at the Southeast corner of Overlook and 8th Street S.W., in the City of Massillon, Ohio, 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

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 105 - 2000

BY: STREETS, HIGHWAYS, TRAFFIC AND SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to submit an application for Transportation Enhancement Funds with the Ohio Department of Transportation for the Massillon Trailhead Connector Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary and in the public health, safety and welfare to authorize the Mayor of the City of Massillon, Ohio, to submit an application for Transportation Enhancement Funds with the Ohio Department of Transportation for the Massillon Trailhead Connector Project.

Section 2:

The Mayor of the City of Massillon, Ohio, is hereby authorized and directed to submit an application for Transportation Enhancement Funds with the Ohio Department of Transportation for the Massillon Trailhead Connector Project.

Section 3:

The City does hereby agree to cooperate with the Director of Transportation in said project by declaring to share in the project cost and agrees to the future maintenance of the project

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to submit an application to the Ohio Department of Transportation for the Massillon Trailhead Connector 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 _____ 2000

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

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

DATE: MAY 15, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 106 - 2000

BY: STREET, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into a Local Public Agency Agreement with the State of Ohio Department of Transportation for the pedestrian access bridge from the downtown area to the Ohio & Erie Canal Corridor Trail, STA-172-6.83 Project, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby finds that it is necessary to enter into a Local Public Agency Agreement with the State of Ohio Department of Transportation for the pedestrian access bridge from the downtown area to the Ohio & Erie Canal Corridor Trail, STA-172-6.83 Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to enter into an Local Public Agency Agreement with the State of Ohio Department of Transportation for the pedestrian access bridge from the downtown area to the Ohio & Erie Canal Corridor Trail, STA-172-6.83 Project

Section 3:

The City does hereby propose to cooperate with the Director of Transportation in said improvement as follows: Consent is given by the City for the above improvement and furthermore, the City will assume and pay Twenty percent (20%) in local matching for the construction of the pedestrian access bridge from the downtown area to the Ohio & Erie Canal Corridor Trail STA-172-6.83 Project.

Section 4:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the reason that it is necessary to begin work on the pedestrian bridge STA-172-6.83 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 _____ 2000

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

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

DATE: May 15 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 107 - 2000

BY: SEWER AND WASTE 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 excavation of approximately 150,000 cubic yards of earth along Erie Street, 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 for and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the excavation of approximately 150,000 cubic yards of earth along Erie Street.

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 to enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the excavation of approximately 150,000 cubic yards of earth along Erie Street.

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 have this 150,000 cubic yards of earth removed from Erie Street South for future construction. 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 _____, 2000

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

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

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 108 - 2000

BY: SEWER AND WASTE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to accept the dedication of an easement and sewer extension of the West Massillon Sanitary Trunk Sewer for the Westbrook Subdivision, 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, hereby finds that it is necessary to accept the dedication of an easement and sewer of the West Massillon Sanitary Trunk Sewer for the Westbrook Subdivision.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to accept the dedication of an easement and sewer extension of the West Massillon Sanitary Trunk Sewer for the Westbrook Subdivision.

Section 3:

That this Ordinance is hereby declared to be an emergency measure for the reason that this easement is to extend the West Massillon Sanitary Trunk Sewer for the Westbrook Subdivision which is needed for the extension of the sanitary sewer. 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 _____ 2000

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 109 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 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 is hereby transferred from the 2000 appropriation from within the General Fund of the City of Massillon, Ohio, the following:

\$117,000.00 FROM: "Workmens Compensation" 1100.905.2270
TO: "City Hall & Public Building Utilities" 1100.410.2340

Section 2:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said funds are immediately necessary for the efficient operation of the various departments 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 _____ 2000

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

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

DATED: MAY 15, 2000

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 110 - 2000

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,830,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF ACQUIRING AND IMPROVING LAND FOR THE MUNICIPAL GOLF COURSE; EXPANDING, RENOVATING AND IMPROVING THE GOLF COURSE, CLUBHOUSE AND PAVILION; FURNISHING AND EQUIPPING THE SAME; AND ACQUIRING NECESSARY APPURTENANCES IN CONNECTION THEREWITH; RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 230-1999, notes (the "Outstanding Notes") in the principal amount of \$1,000,000, dated November 30, 1999, were issued in anticipation of the issuance of bonds for the purpose hereinafter stated, to mature June 30, 2000, and it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds; and

WHEREAS, the City Auditor (the "City Auditor") of the City of Massillon (the "City") has certified to the Council of the City (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 thirty (30) years and notes being nineteen (19) 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 \$2,830,000 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 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 and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$2,830,000, 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. It is hereby determined that, for purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other notes of the City, authorized by other legislation of this Council adopted on the date hereof. The Notes and such other notes will jointly referred to herein as the "Combined Notes". The Combined Notes shall be designated "City of Massillon, Stark County, Ohio Various Purpose Improvement Notes, Series 2000."

Section 6. The Combined Notes shall be issued as one fully registered note 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 Combined Notes. The Combined 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 Combined Notes be issued only in authorized denominations of \$100,000 or more and with restrictions that prevent the sale or transfer of Combined Notes in principal amounts of less than \$100,000 and (ii) the Combined Notes have a maturity of nine months or less or 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 Combined Notes and (B) is not purchasing the Combined Notes for more than one account or with a view to distributing the Combined Notes. Based upon the foregoing, beneficial interests in the Combined Notes are not to be sold or transferred in principal amounts of less than \$100,000.

Section 7. The Combined 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 Combined Notes shall, to the extent necessary, be used only for the retirement of the Combined Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. 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 Combined Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Combined Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Combined 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 9. 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 Combined 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 Combined 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 Combined Notes and Bonds in accordance with law.

Section 10. The Combined 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 Combined 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 Combined 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 Combined Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Combined Notes in the manner provided by law.

Section 11. The Combined Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Combined Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 12. No Combined Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Note, is signed by the Note Registrar (as defined herein) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Combined Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Combined Notes.

Section 13. 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 14. Fifth Third Bank, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Combined Notes. So long as any of the Combined 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 Combined Notes as provided in this section (the "Note Register"). The person in whose name any Combined 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 Combined 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 Combined Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined 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 Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined 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 Combined Note or Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Combined Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Combined 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 Combined Notes. All Combined 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 Combined Notes surrendered upon that transfer or exchange.

Section 15. 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 Combined Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Combined Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined 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 Combined Notes and to effect transfers of Combined Notes, in book entry form.

The Combined 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 Combined Note of each maturity, (ii) those Combined 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 Combined Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined 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 Combined 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 Combined 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 Combined 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 Combined Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 16. 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 Combined 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 Combined Notes so that the Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined Notes which limits the amount of Combined 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 Combined Notes requires any such reports or rebates.

The Combined 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 Combined Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 17. 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 Combined 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 Combined 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 18. 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 19. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined 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 Combined Notes.

Section 20. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 21. 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 15th day of May, 2000.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 110-2000 duly adopted by the Council of the City of Massillon, Ohio on May 15, 2000, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on May __, 2000.

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 Ordinance Nos. 110, 111 and 112 duly adopted by the City Council of the City of Massillon, Stark County, Ohio on May 15, 2000, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Various Purpose Improvement Notes, Series 2000, in the aggregate amount of \$3,270,000 were filed in this office on May __, 2000.

WITNESS my hand and official seal at Canton, Ohio this ____ day of May, 2000.

[SEAL]

County Auditor
Stark County, Ohio

DATED: MAY 15, 2000

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 111 - 2000

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$200,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF SITE IMPROVEMENTS FOR THE CITY RECREATION CENTER, INCLUDING DEMOLITION RELATED THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor (the "City Auditor") of the City of Massillon (the "City") has certified to the Council of the City (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 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 \$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 (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 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 and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$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.

Section 5. It is hereby determined that, for purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other notes of the City, authorized by other legislation of this Council adopted on the date hereof. The Notes and such other notes will jointly referred to herein as the "Combined Notes". The Combined Notes shall be designated "City of Massillon, Stark County, Ohio Various Purpose Improvement Notes, Series 2000."

Section 6. The Combined Notes shall be issued as one fully registered note 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 Combined Notes. The Combined 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 Combined Notes be issued only in authorized denominations of \$100,000 or more and with restrictions that prevent the sale or transfer of Combined Notes in principal amounts of less than \$100,000 and (ii) the Combined Notes have a maturity of nine months or less or 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 Combined Notes and (B) is not purchasing the Combined Notes for more than one account or with a view to distributing the Combined Notes. Based upon the foregoing, beneficial interests in the Combined Notes are not to be sold or transferred in principal amounts of less than \$100,000.

Section 7. The Combined 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 Combined Notes shall, to the extent necessary, be used only for the retirement of the Combined Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. 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 Combined Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Combined Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Combined 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 9. 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 Combined 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 Combined 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 Combined Notes and Bonds in accordance with law.

Section 10. The Combined 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 Combined 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 Combined 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 Combined Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Combined Notes in the manner provided by law.

Section 11. The Combined Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Combined Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 12. No Combined Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Note, is signed by the Note Registrar (as defined herein) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Combined Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Combined Notes.

Section 13. Fifth Third Bank, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Combined Notes. So long as any of the Combined 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 Combined Notes as provided in this section (the "Note Register"). The person in whose name any Combined 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 Combined 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 Combined Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined 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 Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined 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 Combined Note or Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Combined Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Combined 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 Combined Notes. All Combined 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 Combined Notes surrendered upon that transfer or exchange.

Section 14. 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 Combined Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Combined Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined 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 Combined Notes and to effect transfers of Combined Notes, in book entry form.

The Combined 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 Combined Note of each maturity, (ii) those Combined 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 Combined Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined 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 Combined 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 Combined 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 Combined 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 Combined Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 15. 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 Combined 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 Combined Notes so that the Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined Notes which limits the amount of Combined 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 Combined Notes requires any such reports or rebates.

The Combined 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 Combined Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 16. 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 Combined 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 Combined 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 17. 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 18. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined 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 Combined Notes.

Section 19. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 20. 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 15th day of May, 2000.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 111-2000 duly adopted by the Council of the City of Massillon, Ohio on May 15, 2000, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on May __, 2000.

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 Ordinance Nos. 110, 111 and 112 duly adopted by the City Council of the City of Massillon, Stark County, Ohio on May 15, 2000, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Various Purpose Improvement Notes, Series 2000, in the aggregate amount of \$3,270,000 were filed in this office on May ___, 2000.

WITNESS my hand and official seal at Canton, Ohio this ___ day of May, 2000.

[SEAL]

County Auditor
Stark County, Ohio

DATED: MAY 15, 2000

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 112 - 2000

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$240,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF DREDGING AND IMPROVING THE RESERVOIR AT RESERVOIR PARK AND SITE IMPROVEMENTS RELATED THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City Auditor (the "City Auditor") of the City of Massillon (the "City") has certified to the Council of the City (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 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 \$240,000 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 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 and to retire the Outstanding Notes.

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$240,000, 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. It is hereby determined that, for purposes of issuance and sale, it is in the best interest of the City to combine the Notes with other notes of the City, authorized by other legislation of this Council adopted on the date hereof. The Notes and such other notes will jointly referred to herein as the "Combined Notes". The Combined Notes shall be designated "City of Massillon, Stark County, Ohio Various Purpose Improvement Notes, Series 2000."

Section 6. The Combined Notes shall be issued as one fully registered note 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 Combined Notes. The Combined 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 Combined Notes be issued only in authorized denominations of \$100,000 or more and with restrictions that prevent the sale or transfer of Combined Notes in principal amounts of less than \$100,000 and (ii) the Combined Notes have a maturity of nine months or less or 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 Combined Notes and (B) is not purchasing the Combined Notes for more than one account or with a view to distributing the Combined Notes. Based upon the foregoing, beneficial interests in the Combined Notes are not to be sold or transferred in principal amounts of less than \$100,000.

Section 7. The Combined 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 Combined Notes shall, to the extent necessary, be used only for the retirement of the Combined Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 8. 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 Combined Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Combined Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Combined 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 9. 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 Combined 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 Combined 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 Combined Notes and Bonds in accordance with law.

Section 10. The Combined 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 Combined 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 Combined 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 Combined Notes shall be transferred to the Bond Retirement Fund to be applied to the payment of the principal and interest on the Combined Notes in the manner provided by law.

Section 11. The Combined Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Combined Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 12. No Combined Note shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Combined Note, is signed by the Note Registrar (as defined herein) as authenticating agent. Authentication by the Note Registrar shall be conclusive evidence that the Combined Note so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Note Registrar or by such other person acting as an agent of the Note Registrar as shall be approved by the City Auditor on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Combined Notes.

Section 13. Fifth Third Bank, is hereby appointed to act as the authenticating agent, note registrar, transfer agent and paying agent (collectively, the "Note Registrar") for the Combined Notes. So long as any of the Combined 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 Combined Notes as provided in this section (the "Note Register"). The person in whose name any Combined 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 Combined 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 Combined Notes, including the interest thereon, to the extent of the amount or amounts so paid.

Any Combined 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 Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

A Combined 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 Combined Note or Combined Notes of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Combined Notes surrendered, and bearing interest at the same rate and maturing on the same date.

In all cases in which Combined Notes are exchanged or transferred hereunder, the City shall cause to be executed and the Note Registrar shall authenticate and deliver Combined 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 Combined Notes. All Combined 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 Combined Notes surrendered upon that transfer or exchange.

Section 14. 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 Combined Notes in fully registered form are issued only to a depository or its nominee as registered owner, with the Combined Notes "immobilized" to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in those Combined 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 Combined Notes and to effect transfers of Combined Notes, in book entry form.

The Combined 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 Combined Note of each maturity, (ii) those Combined 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 Combined Notes in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Combined 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 Combined 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 Combined 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 Combined 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 Combined Note in the custody of a Depository providing for making all payments to that owner of principal and interest on that Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 15. 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 Combined 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 Combined Notes so that the Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined 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 Combined Notes which limits the amount of Combined 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 Combined Notes requires any such reports or rebates.

The Combined 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 Combined Notes will remain "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

Section 16. 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 Combined 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 Combined 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 17. 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 18. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Combined 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 Combined Notes.

Section 19. The Clerk is hereby directed to forward a certified copy of this ordinance to the Auditor of Stark County, Ohio.

Section 20. 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 15th day of May, 2000.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. 112-2000 duly adopted by the Council of the City of Massillon, Ohio on May 15, 2000, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on May __, 2000.

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 Ordinance Nos. 110, 111 and 112 duly adopted by the City Council of the City of Massillon, Stark County, Ohio on May 15, 2000, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Various Purpose Improvement Notes, Series 2000, in the aggregate amount of \$3,270,000 were filed in this office on May ___, 2000.

WITNESS my hand and official seal at Canton, Ohio this _____ day of May, 2000.

[SEAL]

County Auditor
Stark County, Ohio

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 113 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Municipal Golf Course Fund, Bond Retirement Fund, P&R Reservoir Project Fund, and the P&R Recreation Center Fund of the City of Massillon, for the year ending December 31, 2000, 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, 2000, the following:

\$1,800,000.00 to an account entitled "Capital Project" 1432.920.2510

Section 2:

There be and hereby is appropriated from the unappropriated balance of the Bond Retirement Fund for the year ending December 31, 2000, the following:

\$1,000,000.00 to an account entitled "Note Principal" 1302.940.2611

\$ 30,000.00 to an account entitled "Note Interest" 1302.940.2621

Section 3:

There be and hereby is appropriated from the unappropriated balance of the P & R Reservoir Project Fund for the year ending December 31, 2000, the following:

\$515,000.00 to an account entitled "Reservoir Project" 1436.505.2510

Section 4:

There be and hereby is appropriated from the unappropriated balance of the P&R Recreation Center Fund for the year ending December 31, 2000, the following:

\$200,000.00 to an account entitled "Recreation Center Project" 1435.505.2510

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 _____ 2000

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

PPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 114 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE establishing two funds entitled "P&R Reservoir Project Fund", and "Lincoln Center Phase III 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, two funds entitled "P&R Reservoir Project Fund" and "Lincoln Center Phase III 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 _____ 2000

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

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

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 115 - 2000

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2000 appropriation from within the Park and Rec Capital Improvement Fund to the P&R Reservoir Project 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 2000 appropriation from within the Park and Rec Capital Improvement Fund to the P&R Reservoir Project Fund, of the City of Massillon, Ohio, the following:

\$275,000.00 FROM: "Transfer To" 1433.505.2710
TO: "Transfer In" 1436.505.1860

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 Parks and Recreation 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 _____ 2000

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

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

DATE: May 30, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 116 - 2000

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety to enter into a contract agreement with Beaver Excavating Co., for the construction of an additional nine (9) holes 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 with Beaver Excavating Co. for the construction of an additional nine (9) holes 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 to enter into a contract agreement with Beaver Excavating Co., for the construction of an additional nine (9) holes at The Legends of Massillon Golf Course. The cost of said contract shall not exceed One Million Eight Hundred Thousand Dollars (\$1,800,000.00).

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and welfare of the community, and for the additional reason that it is necessary to enter into contract so that Beaver Excavating Co. can begin construction of the new nine (9) hold golf course at The Legends of Massillon Golf Course in the City of Massillon. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2000

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

APPROVED _____
FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 12 - 2000

BY: THE COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

WHEREAS, it is necessary to acquire property within the corporate limits of the City of Massillon for the reason that said property is a threat to public health, safety or welfare; is a public nuisance pursuant to Chapter 3781 of the Ohio Revised Code; and that either has been found to be insecure, unsafe, structurally defective, unhealthful or unsanitary or violates a building code or ordinance, and

WHEREAS, the property to be taken is part of an Urban Renewal Plan which has been adopted by the City of Massillon, and

WHEREAS, it is desirable in the public interest that the City take immediate possession of the property and the structures thereon, and

WHEREAS, the City, prior to the actual filing of a complaint will attempt to purchase the property from the landowners.

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

Section 1:

It is deemed necessary and it is hereby declared to be the intention of this Council to appropriate the fee simple interest in and to the following described property:

"Situated in the City of Massillon, County of Stark and State of Ohio and known as and being Lot No. 3 and Part of Lot No. 4, the address being 131 Cherry Road N.E., according to the present numbering of lots therein."

Section 2:

The property hereinabove described is to be taken pursuant to an Urban Renewal Plan which has been adopted by the City and is therefore declared to be desirable in the public interest that the City take immediate possession of the property and the structures thereon. Said rehabilitation and subsequent sale is vital for the future development of the City of Massillon.

Section 3:

The Mayor is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner, persons in possession or having an interest of record in the above premises and said notice shall be served according to law by the person designated for that purpose and to make return of said service of notice in the manner provided by law.

Section 4:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, the emergency being to proceed with the rehabilitation and subsequent sale of the within property, and provided it received 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 _____, 2000

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 13 - 2000

BY: THE COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

WHEREAS, it is necessary to acquire property within the corporate limits of the City of Massillon for the reason that said property is a threat to public health, safety or welfare; is a public nuisance pursuant to Chapter 3781 of the Ohio Revised Code; and that either has been found to be insecure, unsafe, structurally defective, unhealthful or unsanitary or violates a building code or ordinance, and

WHEREAS, the property to be taken is part of an Urban Renewal Plan which has been adopted by the City of Massillon, and

WHEREAS, it is desirable in the public interest that the City take immediate possession of the property and the structures thereon, and

WHEREAS, the City, prior to the actual filing of a complaint will attempt to purchase the property from the landowners.

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

Section 1:

It is deemed necessary and it is hereby declared to be the intention of this Council to appropriate the fee simple interest in and to the following described property:

"Situated in the City of Massillon, County of Stark and State of Ohio and known as and being Part of Lot No. 4, the address being 125 Cherry Road N.E., according to the present numbering of lots therein."

Section 2:

The property hereinabove described is to be taken pursuant to an Urban Renewal Plan which has been adopted by the City and is therefore declared to be desirable in the public interest that the City take immediate possession of the property and the structures thereon. Said rehabilitation and subsequent sale is vital for the future development of the City of Massillon.

Section 3:

The Mayor is hereby authorized to cause written notice of the passage of this Resolution to be given to the owner, persons in possession or having an interest of record in the above premises and said notice shall be served according to law by the person designated for that purpose and to make return of said service of notice in the manner provided by law.

Section 4:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, the emergency being to proceed with the rehabilitation and subsequent sale of the within property, and provided it received 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 _____, 2000

ATTEST: _____

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATE: May 15, 2000

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

RESOLUTION NO. 14 - 2000

BY: THE COMMUNITY DEVELOPMENT & ANNEXATION COMMITTEE

TITLE: A RESOLUTION declaring the intention of the City of Massillon, Ohio to appropriate property within the corporate limits pursuant to the authority in CHAPTER 719 of the Ohio Revised Code, and declaring the necessity to acquire property for the purpose of rehabilitation and subsequent sale.

WHEREAS, it is necessary to acquire property within the corporate limits of the City of Massillon for the reason that said property is a threat to public health, safety or welfare; is a public nuisance pursuant to Chapter 3781 of the Ohio Revised Code; and that either has been found to be insecure, unsafe, structurally defective, unhealthful or unsanitary or violates a building code or ordinance, and

WHEREAS, the property to be taken is part of an Urban Renewal Plan which has been adopted by the City of Massillon, and

WHEREAS, it is desirable in the public interest that the City take immediate possession of the property and the structures thereon, and

WHEREAS, the City, prior to the actual filing of a complaint will attempt to purchase the property from the landowners.

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

Section 1:

It is deemed necessary and it is hereby declared to be the intention of this Council to appropriate the fee simple interest in and to the following described property:

"Situated in the City of Massillon, County of Stark and State of Ohio and known as and being Lot No. 5, the address being 121 Cherry Road N.E., according to the present numbering of lots therein."

Section 2:

The property hereinabove described is to be taken pursuant to an Urban Renewal Plan which has been adopted by the City and is therefore declared to be desirable in the public interest that the City take immediate possession of the property and the structures thereon. Said rehabilitation and subsequent sale is vital for the future development of the City of Massillon.

Section 3:

The Mayor hereby authorized to cause written notice of the passage of this Resolution to be given to the owner, persons in possession or having an interest of record in the above premises and said notice shall be served according to law by the person designated for that purpose and to make return of said service of notice in the manner provided by law.

Section 4:

This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Massillon, the emergency being to proceed with the rehabilitation and subsequent sale of the within property, and provided it received 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 _____, 2000

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED: _____

FRANCIS H. CICCHINELLI, JR., MAYOR