

AGENDA

DATE: (TUES) FEBRUARY 19, 2002
PLACE: COUNCIL CHAMBERS
TIME: 7:30 P.M.

THERE IS ONE PUBLIC HEARINGS THIS EVENING
ORDINANCE 2 - 2002 AT 7:00 P.M.

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN JIM FILHOUR (OR GUEST)
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. 33 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

Finkebeck - Web. P.H. April 13 7:00 PM

131
AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from R-1 Single Family Residential and I-1 Light Industrial to R-1 Local Business, RM-1 Multiple Family Residential and R-U One Family Residential, and declaring an emergency

ORDINANCE NO. 34 - 2002 BY: ENVIRONMENTAL COMMITTEE

- Boc -

*5030
9-0
P.O.O.*
AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to approve a Change Order No. 1 to extend a 12" sanitary sewer toward Southway Street, for the Wetmore Sanitary Sewer Project, on the contract with Wenger Excavating, without competitive bidding, and declaring an emergency.

ORDINANCE NO. 35 - 2002 BY: HEALTH, WELFARE & BUILDING REGULATIONS COMM

Tabled Indef.

AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the City of Massillon, by repealing existing Section 509.11(c) & (k) "Loud Noises" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" and enacting a new Section 509.11(c)(1),(2),(3) & (k)(1),(2), of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" and declaring an emergency.

ORDINANCE NO. 36 - 2002 BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

*5030
9-0
P.O.O.*
AN ORDINANCE establishing a rate schedule for fees to be charged at The Legends of Massillon Golf Course, and declaring an emergency.

ORDINANCE NO. 37 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

*5030
9-0
P.O.O.*
AN ORDINANCE authorizing the Director of public Service and Safety of the City of Massillon, Ohio, to create two (2) parking spaces on the east side of First Street N.E. and four (4) parking spaces on the north side of Lincoln Way East in front of the new Grand Mill Centre building, and declaring an emergency.

FEBRUARY 19, 2002

ORDINANCE NO. 38 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

*SOSP 9-0
POSS 8-1
Fillmore*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Pedestrian Bridge Project, STA 172.83, PID 21721, and declaring an emergency.

RULES, COURTS & CIVIL SERVICE
ORDINANCE NO. 39 - 2002 BY: FINANCE COMMITTEE

*SOSP 9-0
POSS 9-0*
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING of Ordinance No. 127 - 197 by repealing section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING, and enacting a new section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 40 - 2002 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

*SOSP 9-0
POSS 9-0*
AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 197 by repealing section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT, and enacting a new section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency

ORDINANCE NO. 41 - 2002 BY: FINANCE COMM *STREETS, HIGHWAYS, TRAFFIC & SAFETY*

Fillmore 2ND SOSP.

*SOSP
BRYAN
BRYAN
BRYAN
6-3
125*
AN ORDINANCE imposing an additional municipal motor vehicle license fee for residents of the City of Massillon, pursuant to Section 4504.172 of the Ohio Revised Code, and declaring an emergency.

ORDINANCE NO. 42 - 2002 BY: FINANCE COMMITTEE

*SOSP 9-0
POSS
BRYAN
Fillmore 6-3
murf*
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to file an application with the Division of Environmental Financial Assistance of the Ohio EPA for a low interest rate loan for the applicable share of the Lincoln Centre Phase III Project, and declaring an emergency.

ORDINANCE NO. 43 - 2002 BY: FINANCE COMMITTEE

*SOSP 9-0
POSS*
AN ORDINANCE authorizing the issuance of not to exceed \$1,775,000.00 of notes in anticipation of the issuance of bonds for the purpose of making improvements to S.R. 21 and Erie Street, including road widening and improvements. Traffic signalization, drainage improvements, repair and replacement of curbs, street lights, utility relocation and grading and seeding of same, and necessary appurtenances related thereto, and retiring notes previously issued for such purpose, the debt service payments for which are expected to be paid from payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code; and declaring an emergency.

ORDINANCE NO. 44 - 2002 BY: FINANCE COMMITTEE

50 9-0
POD 9-0
AN ORDINANCE making certain appropriations from the unappropriated balance of the Project, **Wastewater Treatment Plant Fund**, General Fund, Clerk of Courts Computing Fund, ADR Fund, Restaurant License Fund and the Waste Management Fund of the City of Massillon, Ohio, for the year ending December 31, 2002, and declaring an emergency.

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

- A). MAYOR SUBMITS MONTHLY REPORT FOR JANUARY 2002
- B). MAYOR PRESENTS CAPITAL IMPROVEMENT LIST FOR 2002
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2002
- D). POLICE CHIEF SUBMITS MONTHLY REPORT FOR JANUARY 2002
- E). TREASURER SUBMITS MONTHLY REPORT FOR JANUARY 2002
- F). INCOME TAX ADMINISTRATOR SUBMITS MONTHLY REPORT FOR DEC. 2001
- G). FIRE CHIEF SUBMITS YEARLY REPORT FOR 2001
- H). HEALTH DEPARTMENT SUBMITS YEARLY REPORT FOR 2001

I) Massillon Main Street 2001

11. REPORTS OF COMMITTEES
12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR

*50 - presentation
Dog Park & Forestry
first on agenda*

ORDINANCE NO. 2 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

Motion To Bring Forward - 9-0

50 9-0
POD 9-0
AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from R-1 Single Family Residential to RM-1 Multiple Family Residential, and declaring an emergency.

14. THIRD READING ORDINANCES AND RESOLUTIONS

Tim suggested another approach - had swap in / 50 12-0

ORDINANCE NO. 7 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

POD - 6-3
BRYAN
Fillmore
MARY
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement for the purchase Out Lot No. 12, Part of Out Lot No. 13 and Out Lot 14, (approximately 2.08 acres), which is currently owned by Ohio Drilling Company, and declaring an emergency.

ORDINANCE NO. 12 - 2002 BY: ENVIRONMENTAL COMMITTEE

Satellite Sewer ORD.

POD 9-0
AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, by enacting an additional Sections 925.63 to 925.68 of said CHAPTER 925, and declaring an emergency.

15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 23 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

PROPOS WITHDRAWN VERBALLY

Z NR **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from B-1 Local Business District to B-2 Central Business District, and declaring an emergency.

ORDINANCE NO. 24 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

P. H. MARCH 18 @ 7:00PM

Z NO **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from Tuscarawas Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 25 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

P. H. MARCH 18 @ 7:15PM

Z NR **AN ORDINANCE** amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from Tuscarawas Township to Massillon Zoning, and declaring an emergency.

ORDINANCE NO. 26 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE

Z 2 **AN ORDINANCE** amending TITLE FIVE of PART ELEVEN - "PLANNING AND ZONING CODE" of the Codified Ordinances of the City of Massillon, by the addition of a new Chapter 1154 "R-U One Family Residential District" under TITLE FIVE of PART ELEVEN - "PLANNING AND ZONING CODE", and declaring an emergency.

ORDINANCE NO. 27 - 2002 BY: ENVIRONMENTAL COMMITTEE

Z NR **AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon to enter into a contract, without competitive bidding, with CTI Environmental, Inc. for the design of the Federal Avenue Pump Station, and declaring an emergency.

ORDINANCE NO. 30 - 2002 BY: FINANCE COMMITTEE

*Amendmt
Mong B-1*
3:00P - Chamber M.
Filhouer MANG
BRYAN 6-3
public work Commission
AN ORDINANCE authorizing and directing the Director of Public Service and Safety to enter into an agreement with the State of Ohio Department of Transportation for a zero percent interest loan for a twenty (20) year period, 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
CLERK OF COUNCIL

ORDINANCE NO. 38 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM

500
P. 100
AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Pedestrian Bridge Project, STA 172.83, PID 21721, and declaring an emergency.

ORDINANCE NO. 39 - 2002 BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING of Ordinance No. 127 - 197 by repealing section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING , and enacting a new section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING in the City of Massillon, Ohio, and declaring an emergency.

ORDINANCE NO. 40 - 2002 BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 197 by repealing section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT , and enacting a new section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT in the City of Massillon, Ohio, and declaring an emergency

ORDINANCE NO. 41 - 2002 BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMM.

AN ORDINANCE imposing an additional municipal motor vehicle license fee for residents of the City of Massillon, pursuant to Section 4504.17~~2~~ of the Ohio Revised Code, and declaring an emergency.

ORDINANCE NO. 42 - 2002 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to file an application with the Division of Environmental Financial Assistance of the Ohio EPA for a low interest rate loan for the applicable share of the Lincoln Centre Phase III Project, and declaring an emergency.

ORDINANCE NO. 43 - 2002 BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the issuance of not to exceed \$1,775,000.00 of notes in anticipation of the issuance of bonds for the purpose of making improvements to S.R. 21 and Erie Street, including road widening and improvements. Traffic signalization, drainage improvements, repair and replacement of curbs, street lights, utility relocation and grading and seeding of same, and necessary appurtenances related thereto, and retiring notes previously issued for such purpose, the debt service payments for which are expected to be paid from payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code; and declaring an emergency.

DATE: February 19, 2002

CLERK: SHARON HOWELL

*135 - 2-19-02
PH April 1 @ 7:00 PM*

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 33 - 2002

*2nd reading 3/4
Tabled 3/18
PH 4/1
passed 4/1*

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE amending Section 1151.02 of the Massillon Code by rezoning a certain tract of land from R-1 Single Family Residential and I-1 Light Industrial to R-1 Local Business, RM-1 Multiple Family Residential and R-U One Family Residential, and declaring an emergency.

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

Section 1:

It is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from R-1 Single Family Residential and I-1 Light Industrial to B-1 Local Business, RM-1 Multiple Family Residential and R-U One Family Residential. Said rezoning request was approved by the Planning Commission of the City of Massillon, Ohio, on February 13th, 2002 and that notice and public hearing has been given according to law.

Section 2:

The City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code by, be and is hereby amended to show the following described area as B-1 Local Business, RM-1 Multiple Family Residential and R-U One Family Residential:

A 15.53 acre parcel located between 8th and 9th Street S.W. south of Webb Avenue S.W. to be zoned 2.0 acres for B-1 Local Business, 3.84 acres for RM-1 Multiple Family Residential and 9.69 acres for R-U Family Residential. This 15.53 acre parcel shall be developed with 52 single family homes, 20 condominiums and 46 townhouses along with a convenience store. This request is being made by Massland Development LC.

Section 3:

That this ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community and that this property would best be served to be designated B-1 Local Family, RM-1 Multiple Family Residential and R-U Family Residential. 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 _____ 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

5050 - 9-0
9000 - 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 34 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a Change Order No.1 to extend a 12" sanitary sewer toward Southway Street, for the Wetmore Sanitary Sewer Project, on the contract with Wenger Excavating, without competitive bidding, 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 for the Director of Public Service and Safety of the City of Massillon, Ohio, to approve a Change Order No. 1, to extend a 12" sanitary sewer toward Southway Street, for the Wetmore Sanitary Sewer Project, on the contract with Wenger Excavating, without competitive bidding.

Section 2:

The Director of Public Service and Safety be and is hereby authorized to approve a Change Order No. 1, to to extend a 12" sanitary sewer toward Southway Street, for the Wetmore Sanitary Sewer Project, on the contract with Wenger Excavating, without competitive bidding. The cost of said Change Order No. 1 shall not exceed Thirty-Nine Thousand Four Hundred Eight Dollars and Forty Cents (\$39,408.40)

Section 3:

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

Section 4:

This ordinance is declared to be an emergency measure immediately necessary for the preservation of the health, safety and welfare of the community and for the further reason that said services are necessary for the upgrade of the sanitary sewer for the Wetmore Sanitary Sewer 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 _____ 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

Tabled Indel.
9-0

CITY OF MASSILLON, OHIO

Tabled
LEGISLATIVE DEPARTMENT

COUNCIL CHAMBERS

ORDINANCE NO. 35 - 2002

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the City of Massillon, by repealing existing Section 509.11(c) & (k) "Loud Noises" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" and enacting a new Section 509.11(c)(1),(2),(3) & (k)(1),(2) "Loud Noises", of CHAPTER 509 "DISORDERLY CONDUCT AND PEACH DISTURBANCE" and declaring an emergency.

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

Section 1:

Existing Section 509.11(c) & (k) "Loud Noises" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon is hereby repealed.

Section 2:

That there is hereby enacted a new Section 509.11(c)(1),(2),(3) and (k)(1),(2) "Loud Noises" of CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCE" of the Codified Ordinances of the City of Massillon and which shall read as follows:

509.11 LOUD NOISES

(c) (1) No person shall disturb the peace and quiet of the city by the outdoor use of any apparatus operated by fuel or electric power, including, but not limited to, equipment used for tree cutting, lawn mowing, landscaping, grading, or demolition, erection, alteration, or repair of buildings or structures within the city between the hours of sunset and 8:00 a.m., except by special permit issued by the Safety Service Director. Snow blowers and other snow removal equipment are specifically excluded during periods of snowfall.

(2) No person shall operate or permit the operation of any saw, drill, sander, grinder, router, compressor, or other similar device, in an area zoned for residential use, between the hours of 9 p.m. and 8 a.m. so as to cause a noise disturbance across a residential real property boundary.

(3) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, musical instrument, sound amplifier or similar device, which reproduces or amplifies sound between the hours of 9 p.m. and 8 a.m. so as to cause a noise disturbance across a residential real property boundary, except by special permit issued by the Safety Service Director.

(k) (1) Whoever violates this section is guilty of a noise disturbance, a minor misdemeanor, except that if the offender persists in this violation after reasonable warning or request to desist, a noise disturbance is a misdemeanor of the fourth degree.

(2) It is a misdemeanor of the fourth degree for a second offense of any of the provisions of this section within a period of one year.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactment is needed to amend the City's ordinances concerning the prohibition of loud noises during certain hours of a day within the City and for the additional reason for the preservation of the public health, safety and welfare of the community. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

500P 9-0
1000 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 36 - 2002

BY: PUBLIC UTILITIES/GOLF COURSE COMMITTEE

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

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

Section 1:

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

Section 2:

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

THE LEGENDS OF MASSILLON RATE SCHEDULE

9 HOLES (Mon.-Thur)

Walking \$14.00
Riding \$19.00

9 HOLES (FRIDAY)

Walking \$14.00
Riding \$19.00

9 HOLES (Weekend/Holiday)

Walking \$14.00
Riding \$19.00

18 HOLES (Mon.-Thur)

Walking \$25.00
Riding \$35.00
Twi-Lite \$29.00*

18 HOLES (FRIDAY)

Walking \$25.00
Riding \$35.00
Twi-lite \$29.00*

18 HOLES (Weekend/Holiday)

Before 11:00 AM \$47.00*
After 11:00 AM \$42.00*
Twi-lite \$29.00*

REPLAY

9 Holes \$15.00 *
18 Holes \$25.00*

SENIORS/JUNIORS (Monday-Thursday before 11:00 AM)

9 Holes walking \$11.00 18 Holes walking \$15.00
9 Holes riding \$16.00 18 Holes riding \$25.00

*Fee includes cart

Section 3:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

500P 9-0

CITY OF MASSILLON, OHIO

POS 9-0

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 37 - 2002

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to create two (2) parking spaces on the east side of First Street N.E. and four (4) parking spaces on the north side of Lincoln Way East in front of the new Grand Mill Centre building, 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 to create two (2) parking spaces on the east side of First Street N.E. and four (4) parking spaces on the north side of Lincoln Way East in front of the new Grand Mill Centre building.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to create two (2) parking spaces on the east side of First Street N.E. and four (4) parking spaces on the north side of Lincoln Way East in front of the new Grand Mill Centre building.

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 create these six (6) spaces to provide parking for patrons of the Grand Mill Centre building. 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 _____, 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

SUSP 9-0
PASS 8-1
FILLMORE

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 38 - 2002

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Pedestrian Bridge Project, STA 172.83, PID 21721, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for and receive sealed bids and enter into a contract, upon award and approval of the Board of Control, with the lowest and best bidder for the Pedestrian Bridge Project, STA 172.83, PID 21721.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for and receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the lowest and best bidder for the Pedestrian Bridge Project, STA 172.83, PID 21721.

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 that bids be received so that work may be completed on the Pedestrian Bridge Project, STA 172.83, PID 21721. 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 _____, 2002

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

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

DATE: February 19, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

*SUPP - 9-0
pass 9-0*

ORDINANCE NO. 39 - 2002

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING in 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - COMMUNITY DEVELOPMENT/PLANNING of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 8; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary to restructure positions within the Community Development/Planning 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 _____ 2002

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

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

GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		HEALTH DEPT 705-710-730
21S	SU CL	Health Administration Officer
17S	CL	Public Health Nursing Director/Supervisor
15S	CL	Housing Inspector
15S	CL	Public Health Nurse I
14S	CL	Public Health Sanitarian
12S	CL	Public Health Sanitarian-in-Training
14S	CL	WIC Clinic Supervisor
9S	CL	WIC Clinic Assistant
9S	CL	Registrar of Vital Statistics
8S	CL	Registrar of Vital Statistics
8S	CL	Clerk Typist II Deputy Registrar
7S	CL	WIC Clerk
6S	CL	Clerk Typist II
		<u>PART TIME/TEMPORARY/SEASONAL</u>
15S	MS CL	Public Health Nurse I
	MS	Health Comm. (Appt..)
	MS CL	Sanitarian (entry)
	MS CL	Acting Health Come.
	MS CL	Medical Director
	MS CL	WIC Prof/Nutritionist
	MS CL	WIC Staff Prof (entry)/ Nurse
	MS CL	WIC Clerk
		<u>COMM. DEV./PLANNING 845</u>
26S	SU UN	Community Development Director
22S	SU UN	Economic Development Director
20S	SU UN	Housing Director
10S	UN	Housing/Administrative Assistant
9S	CL	Secretary/Bookkeeper
9S	UN	Code Enforcement Officer
8S - 10S	SU UN	*Youth Center Coordinator
6S	UN	Clerk Typist II
5S	CL	Clerk Typist I
5S	CL	Relocation Aide
		<u>SUMMER YOUTH PROG. 845</u>
		<u>PART TIME/TEMPORARY/SEASONAL</u>
	MS	SESP Administrator (6 Hr. Limit)
	MS	Cook
	MS	Aide
	MS	Site Coordinator
	MS	Secretary/Janitor (6 Hr. Limit)
	MS	Cook Helper/Youth Center
	MS	SYPE Coordinator
	MS	SYPE Counselor
	MS	SYPE Teachers

DATE: February 19, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

Passed
LEGISLATIVE DEPARTMENT

Susp 9-0
Pass 9-0

ORDINANCE NO. 40 - 2002

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

TITLE: AN ORDINANCE amending Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 by repealing Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT, and enacting a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT in 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:

Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby repealed.

Section 2:

That a new Section 2(D) OCCUPATION LIST OF CLASS TITLES - GOLF COURSE DEPARTMENT of Ordinance No. 127 - 1997 be and is hereby enacted and shall read as follows:

(SEE ATTACHMENT 'A' PAGE 9; AND INSERT IN THE SALARY ORDINANCE 127 - 1997)

Section 3:

That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the community and for the additional reason that the provisions hereby enacted are immediately necessary in that deleted classifications are no longer needed in the Golf Course 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.

CLASS GRADE	SCHEDULE	DEPARTMENT & TITLE DESCRIPTION
		<u>GOLF COURSE DEPT</u> 920
25S	SU UN	*Director of Golf (*PLEASE NOTE: The Director of Golf shall also receive as part of his compensation 2.5% on all greens fee, cart rentals and range balls. The percentages shall be applied to the 80% that goes toward the operation of the course. It does not include the 20% that goes toward the bond payment. This additional compensation shall be paid on a monthly base.)
16S	UN	Grounds Superintendent
11S	UN	Assistant Superintendent
8S	UN	Greens keeper I
8S	UN	Finance/Officer Coordinator
5S	UN	Maintenance/Clubhouse Aid
3S	UN	Secretary/Bookkeeper
		<u>PART TIME/TEMPORARY/SEASONAL</u>
	MS	Golf Course-Programs Coordinator
	MS	Maintenance/Labor Coordinator
	SE	Laborer I
	SE	Laborer II
	SE	Laborer III
	SE	Starters/Rangers I
	SE	Starters/Rangers II
	SE	Starters/Rangers III
	SE	Golf Cart Personnel I
	SE	Golf Cart personnel II
	SE	Customer Service Representative I
	SE	Customer Service Representative II
	SE	Customer Service Representative III
	SE	Customer Service Operations Coordinator

DATE: February 19, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

1st Reading
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 41 - 2002

passed 3/4/02
defeated 4-5

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

TITLE: AN ORDINANCE imposing an additional municipal motor vehicle license fee for residents of the City of Massillon, pursuant to Section 4504.17~~2~~ of the Ohio Revised Code, 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 imposes an additional municipal motor vehicle license fee for residents of the City of Massillon pursuant to Section 4504.17~~2~~ of the Ohio Revised Code upon the operation of motor vehicles on public roads and highways.

Section 2:

That said license fee shall be at the rate of Five Dollars (\$5.00) per motor vehicle on all motor vehicles located or registered as being located within the City of Massillon, Ohio.

Section 3:

This license fee is imposed for the purpose of paying the costs and expenses of enforcing said tax, to supplement and provide additional revenue already available to the City of Massillon, Ohio, under Sections 4502.04, 4504.06, 4504.17 or 4504.171 of the Ohio Revised ~~Code~~.

Section 4:

This Ordinance is hereby declared to be an emergency measure by reason of said fee being necessary for the City of Massillon to increase the license fee so as to assist the City in improving the public roads and highways within the City and for the preservation of the public health, safety and welfare. Provided it receives the affirmative vote of two-thirds of the elected members to Council it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DATE: February 19, 2002

CLERK: SHARON HOWELL

SOSP 9-0

POSD 6-3

BRYAN

MAH

ELLHOOR

COUNCIL CHAMBERS

CITY OF MASSILLON, OHIO

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 42 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to file an application with the Division of Environmental Financial Assistance of the Ohio EPA for a low interest rate loan for the applicable share of the Lincoln Centre Phase III 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 in the public health, safety and welfare to authorize the Director of Public Service and Safety of the City of Massillon to file an application with the Division of Environmental Financial Assistance of the Ohio EPA for a low interest rate loan for the applicable share of the Lincoln Centre Phase III Project.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized file an application with the Division of Environmental Financial Assistance of the Ohio EPA for a low interest rate loan for the applicable share of the Lincoln Centre Phase III Project.

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

ATTEST:

SHARON HOWELL, CLERK OF COUNCIL

DENNIS D. HARWIG, PRESIDENT

APPROVED _____

FRANCIS H. CICCHINELLI, JR., MAYOR

DATED: FEBRUARY 19, 2002

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 43 - 2002

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,775,000 OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF MAKING IMPROVEMENTS TO S.R. 21 AND ERIE STREET, INCLUDING ROAD WIDENING AND IMPROVEMENTS, TRAFFIC SIGNALIZATION, DRAINAGE IMPROVEMENTS, REPAIR AND REPLACEMENT OF CURBS, STREET LIGHTS, UTILITY RELOCATION AND GRADING AND SEEDING OF SAME, AND NECESSARY APPURTENANCES RELATED THERETO, AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, THE DEBT SERVICE PAYMENTS FOR WHICH ARE EXPECTED TO BE PAID FROM PAYMENTS IN LIEU OF TAXES MADE PURSUANT TO SECTION 5709.42, OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

*1,775,000
16,90,000
18,675,000*

WHEREAS, the Council of the City (the "Council") of the City of Massillon (the "City") has issued notes dated March 1, 2000, in the amount of \$1,690,000 (the "Outstanding Notes") in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature March 1, 2002; and

WHEREAS, it appears advisable in lieu of issuing bonds at this time to issue new notes in anticipation of the issuance of bonds and to retire the Outstanding Notes; and

WHEREAS, the City Auditor (the "City Auditor") of the City has certified to the Council that the estimated life of the improvement stated in the title of this ordinance (the "Project") which is to be financed with the proceeds of bonds and notes hereinafter referred to exceeds five (5) years, the maximum maturity of bonds being twenty (20) years and notes being eighteen (18) years;

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

Section 1. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$1,775,000 for the purpose of paying the cost of financing the Project.

Section 2. The Bonds shall be dated prior to the maturity date of the Notes (as defined hereinbelow), shall bear interest at the maximum average annual interest rate presently estimated to be six per centum (6.00%) per annum, payable semiannually until the principal sum is paid and shall mature in twenty (20) annual installments.

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

Section 4. Such anticipatory notes (the "Notes") shall be in the amount of not to exceed \$1,775,000, which sum does not exceed the amount of the Bonds. The Notes shall be dated the date established by the City Auditor and certified to this Council and shall mature on such date as shall be determined by the City Auditor and certified to this Council, provided that such maturity date shall not be later than one year after the date of issuance of the Notes. The Notes shall be designated "City of Massillon, Stark County, Ohio S.R. 21/Erie Street Improvement Notes, Series 2002," or as otherwise designated by the City Auditor.

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

Section 6. The Notes shall be the full general obligation of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon, and is hereby pledged for such purpose.

Section 7. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Notes are outstanding, in an amount which is sufficient to provide funds to pay interest upon the Notes as and when the same fall due and to provide a fund for the repayment of the principal of the Notes at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 8. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the

same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Notes and Bonds when and as the same fall due. Notwithstanding the foregoing, if the City determines that funds will be available from other sources for the payment of the Notes and Bonds in any year, including payments in lieu of taxes made pursuant to Section 5709.42, Ohio Revised Code, paid by property owners directly benefiting from the Project, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the City shall appropriate such funds to the payment of the Notes and Bonds in accordance with law.

Section 9. The Notes shall bear interest at such rate per annum as shall be determined by the City Auditor and certified to this Council, provided that such rate shall not exceed five per centum (5.00%) per annum, based on a 360-day year of twelve 30-day months, payable on such dates as shall be determined by the City Auditor. The Notes shall be, and hereby are, awarded and sold to Fifth Third Securities, Inc., Columbus, Ohio (the "Original Purchaser") at the par value thereof, and the City Auditor of this Council is hereby authorized and directed to deliver the Notes, when executed, to said purchaser upon payment of the purchase price and accrued interest, if any, to the date of delivery.

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

Section 10. The Notes shall be executed by the City Auditor and the Mayor, provided that either or both of such signatures may be a facsimile. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 11. 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 Notes. So long as any of the Notes remain outstanding, the City will cause to be maintained and kept by the Note Registrar, at the office of the Note Registrar, all books and records necessary for the registration, exchange and transfer of Notes as provided in this section (the "Note Register"). The person in whose name any Notes 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 Notes shall be made only to or upon the order of that person. Neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Notes, including the interest thereon, to the extent of the amount or amounts so paid.

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

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

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

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

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

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

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

The Note Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Notes in the custody of a Depository providing for making all payments to that owner of principal and interest on that Notes 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 Notes, 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 Notes on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Note

Registrar will furnish a copy of each of those agreements, certified to be correct by the Note Registrar, to other paying agents for Notes and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, the Note Ordinance.

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

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

Section 13. The City hereby covenants that it will comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Notes is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Notes so that the Notes will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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

The City Auditor shall keep and maintain adequate records pertaining to investment of all proceeds of the Notes sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Notes which limits

the amount of Notes proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The City Auditor of the City is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Notes requires any such reports or rebates.

Section 14. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Notes and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the City to issue the Notes and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the City Auditor and a no-litigation certificate of the Mayor and the City Auditor, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

Section 15. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 16. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

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

Section 18. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the City and its inhabitants for the reason that notes heretofore issued are about to mature and it is necessary to make immediate provision for their repayment in order to preserve the credit of the City; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 19th day of February, 2002.

Attest:

Clerk

President of Council

Approved:

Mayor

CERTIFICATE

The undersigned Clerk hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by the Council of the City of Massillon, Ohio on February 19, 2002, and that a true copy thereof was certified to the County Auditor of Stark County, Ohio, on February ___, 2002.

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 No. _____ duly adopted by the City Council of the City of Massillon, Stark County, Ohio on February 19, 2002, providing for the issuance of general obligation notes designated City of Massillon, Stark County, Ohio S.R. 21/Erie Street Improvement Notes, Series 2002, in the aggregate amount of not to exceed \$1,775,000 was filed in this office on February ____, 2002.

WITNESS my hand and official seal at Canton, Ohio this ____ day of February, 2002.

[SEAL]

County Auditor
Stark County, Ohio

DATE: February 19, 2002

CLERK: SHARON HOWELL

Susp 9-0

Pass 9-0

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

passed
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 44 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Wastewater Treatment Plant Fund, General Fund, Clerk of Courts Computing Fund, ADR Fund, Restaurant License Fund and the Waste Management Fund of the City of Massillon, for the year ending December 31, 2002, 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 Wastewater Treatment Plant Fund for the year ending December 31, 2002, the following:

\$23,619.85 to an account entitled "Wetmore Sanitary Sewer Project" 2101.610.2510

Balance of Charge Order No. 1

Section 2:

There be and hereby is appropriated from the unappropriated balance of the General Fund for the year ending December 31, 2002, the following:

\$ 10,000.00 to an account entitled "Energy Savings Lease" 1100.410.2333
\$ 10,000.00 to an account entitled "City Hall Services/Contracts" 1100.410.2392
\$ 3,200.00 to an account entitled "Unemployment Compensation" 1100.125.2290
\$ 3,000.00 to an account entitled "Supplies/Materials/Postage" 1100.325.2410
\$ 2,000.00 to an account entitled "Services/Contracts" 1100.325.2392
\$ 1,500.00 to an account entitled "Travel/Schooling/Seminars" 1100.325.2389

Section 3:

There be and hereby is appropriated from the unappropriated balance of the Clerk of Courts Computing Fund for the year ending December 31, 2002, the following:

365.00 to an account entitled "Workers Comp" 1232.130.2270

Section 4

There be and hereby is appropriated from the unappropriated balance of the ADR Fund for the year ending December 31, 2002, the following:

\$ 365.00 to an account entitled "Workers Comp" 1242.125.2270

Section 5:

There be and hereby is appropriated from the unappropriated balance of the Restaurant License Fund for the year ending December 31, 2002, the following:

\$ 105.00 to an account entitled "Workers Comp" 1211,720,2270

Section 6:

There be and hereby is appropriated from the unappropriated balance of the Waste Management Fund for the year ending December 31, 2002, the following:

\$ 47.00 to an account entitled "Workers Comp" 1222.605.2270

Section 7:

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

PASSED IN COUNCIL THIS _____ DAY OF _____ 2002

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

APPROVED: _____
FRANCIS H. CICCHINELLI, JR, MAYOR