

# AGENDA

DATE: MARCH 18, 2002  
PLACE: COUNCIL CHAMBERS  
TIME: 7:30 P.M.

THERE ARE THREE PUBLIC HEARINGS THIS EVENING  
ORDINANCE NO. 26 - 2002 AT 6:45 PM  
ORDINANCE NO. 24 - 2002 AT 7:00 PM  
ORDINANCE NO. 25 - 2002 AT 7:15 PM

1. ROLL CALL
2. INVOCATION BY COUNCILWOMAN CLAUDETTE ISTNICK (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

*Pass*  
*9/0*  
**ORDINANCE NO. 53 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE**

AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Schalmo Properties Area Annexation, upon annexation, and declaring an emergency.

*Pass*  
*9/0*  
**ORDINANCE NO. 54 - 2002 BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE authorizing the Director Of Public Service and Safety of the City of Massillon to sell to the highest bidder, according to law, one (1) Ashbrook Klampress Sludge Dewatering Press, which is no longer needed for any municipal purpose, and declaring an emergency.

*Pass*  
*9/0*  
**ORDINANCE NO. 55 - 2002 BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE authorizing the Director Public Service and Safety of the City of Massillon to sell to the highest bidder, according to law, one (1) Perkin-Elmer AA Unit, which is no longer needed for any municipal purpose, and declaring an emergency.

*Passed*  
*9/0*  
**ORDINANCE NO. 56 - 2002 BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinance of the City of Massillon, by deleting Section 937.12 "Rate for Residential Units Outside the City" and declaring an emergency.

*Passed*  
*9/0*  
**ORDINANCE NO. 57 - 2002 BY: ENVIRONMENTAL COMMITTEE**

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, and declaring an emergency.

**ORDINANCE NO. 58 - 2002    BY: ENVIRONMENTAL COMMITTEE**

**AN ORDINANCE** authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into the attached "Hold Harmless Agreement" against any damages that may result from surface water run off or discharge from the development of and construction upon the Stark County Commission Action Agency, ( SCCAA) property, and declaring a emergency.

**ORDINANCE NO. 59 - 2002    BY: PARKS AND RECREATION COMMITTEE**

**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 highest and best bidder for the operation of concession stands at the Genshaft and Community Parks, and declaring an emergency.

**ORDINANCE NO. 60 - 2002    BY: FINANCE COMMITTEE**

**AN ORDINANCE** amending Ordinance No. 1 - 2002 by deleting the date of March 31, 2002 in the Title and Section I and enacting a new date of December 31, 2002, in the Title and Section 1, and declaring an emergency.

**ORDINANCE NO. 61 - 2002    BY: FINANCE COMMITTEE**

**AN ORDINANCE** authorizing the issuance of not to exceed \$12,405,000.00 of bonds for the purpose of (1) acquiring land in connection with a City Recreation Center; site improvements for the City Recreation Center, including demolition related thereto; constructing, furnishing and equipping the City Recreation Center; (1) constructing phase I park and recreation facilities at the community park; furnish and equipping the same; landscaping and improving the sites thereof; acquiring land and interest in land for park and recreation purposes; and (III) dredging and improving the reservoir at Reservoir Park and site improvements related thereto; and retiring notes previously issued for such purpose, authorizing a bond purchase agreement appropriate for the sale of the bonds authorizing the purchase of a municipal bond insurance policy in connection therewith, approving the form of official statement relating to the bonds, and declaring an emergency.

**ORDINANCE NO. 62 - 2002    BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Tax Increment Fund and Swimming Pool Fund, for the year ending December 31, 2002, and declaring an emergency.

**ORDINANCE NO. 63 - 2002    BY: FINANCE COMMITTEE**

**AN ORDINANCE** appropriating from the unappropriated balance of the General Fund of the City of Massillon, Ohio, for the year ending December 31, 2002, and declaring an emergency.

*Passed*  
*9/0* **ORDINANCE NO. 64 - 2002 BY: FINANCE COMMITTEE**

**AN ORDINANCE** making certain transfers in the 2002 appropriation from within the General Fund, to the Lincoln Center Phase II Debt Retirement Fund, Shaw Castle West Debt Retirement Fund and the State Hospital Endowment Fund of the City of Massillon, Ohio 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 FEBRUARY 2002
- B). AUDITOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2002
- C). FIRE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2002
- D). POLICE CHIEF SUBMITS MONTHLY REPORT FOR FEBRUARY 2002
- E). TREASURER SUBMITS MONTHLY REPORT FOR FEBRUARY 2002
- F). INCOME TAX ADMINISTRATOR SUBMITS MONTHLY REPORT FOR FEBRUARY 2002

**11. REPORTS OF COMMITTEES**

**12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS**

**13. CALL OF THE CALENDAR**

*For. res.*  
*9/0* **ORDINANCE NO. 24 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE** *R-1 Support Valley*

**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.

*Passed*  
*9/0* **ORDINANCE NO. 25 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE** *R-3 Raynell*

**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.

*Passed*  
*9/0* **ORDINANCE NO. 26 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE**

**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.

*Third*  
**15. SECOND READING ORDINANCES AND RESOLUTIONS**

*Table* **ORDINANCE NO. 33 - 2002 BY: COMMUNITY DEVELOPMENT COMMITTEE** *Public Hearing - April 1 at 7:00pm. 8-9th Wells*

**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.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

18. ADJOURNMENT

SHARON HOWELL  
CLERK OF COUNCIL



DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 2002

BY: COMMUNITY DEVELOPMENT COMMITTEE

TITLE: AN ORDINANCE indicating what services the City of Massillon, Ohio, will provide to the Schalmo Properties Area Annexation, upon annexation, and declaring an emergency.

WHEREAS, certain property owners have filed a petition requesting the Schalmo Properties Area Annexation to be annexed to the City of Massillon, Ohio, pursuant to the Ohio Revised Code Section 709.02, and

WHEREAS, The Ohio Revised Code Section 709.031 (B) requires that upon receiving notice, the Municipal Legislative Authority, shall by Ordinance or Resolution, adopt a statement indicating what services, if any, the municipal corporation will provide to the territory proposed for annexation upon annexation, and

WHEREAS, this Ordinance is intended to comply with the requirements of the Ohio Revised Code Section 709.031 (B), and

WHEREAS, the legislative authority of the City of Massillon, Ohio, is supportive of the annexation proposal, and

WHEREAS, the Stark County Commissioners have scheduled a public hearing, to be held at the Stark County Commissioners Office on March 21, 2002 at 11:00 A.M.

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

Section I:

The City of Massillon, Ohio, will extend to the proposed area, upon annexation, the availability of all municipal services extended to all of the current citizens, residents and property owners of the City of Massillon, Ohio, including, but not limited, to the services of the Municipal Police Department, services of the Municipal Fire Department, services of the Municipal Service Department, services of the Engineering Department, services of the Building Department, services of the Street Department, services of the Safety Department, services of the Planning Department, services of the Health Department, services of the Sewer Department and services of the City of Massillon Administration.

Section 2:

That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary to indicate what services the City of Massillon will provide to the area upon annexation prior to the Stark County Commissioners hearing on March 21, 2002 in the Stark County Commissioners Office. Provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2002

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

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

DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 54 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to sell to the highest bidder, according to law, one (1) Ashbrook Klampress Sludge Dewatering Press, which is no longer needed for any municipal purpose, 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 sell to the highest bidder, according to law one (1) Ashbrook Klampress Sludge Dewatering Press, which is no longer needed for any municipal purpose.

Section 2:

Director of Public Service and Safety hereby authorized to sell to the highest bidder, according to law one (1) Ashbrook Klampress Sludge Dewatering Press which is no longer needed for any municipal purpose.

Section 3:

The City Auditor is hereby directed to deposit the monies received from the sale of said Ashbrook Klampress Sludge Dewatering Press into the Wastewater Treatment Plant Fund.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason that it is necessary to dispose of the Ashbrook Klampress sludge Dewatering Press, which is no longer needed for any municipal purpose for the best price obtainable. Provided it receives the affirmative vote of two-thirds of the elected members and 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: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 55 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon to sell to the highest bidder, according to law, one (1) Perkin-Elmer AA Unit, which is no longer needed for any municipal purpose, 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 sell to the highest bidder, according to law one (1) Perkin-Elmer AA Unit, which is no longer needed for any municipal purpose.

Section 2:

Director of Public Service and Safety hereby authorized to sell to the highest bidder, according to law one (1) Perkin-Elmer AA Unit, which is no longer needed for any municipal purpose.

Section 3:

The City Auditor is hereby directed to deposit the monies received from the sale of said Perkin-Elmer AA Unit, into the Wastewater Treatment Plant Fund.

Section 4:

This Ordinance is declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the community and for the further reason that it is necessary to dispose of the Perkin-Elmer AA Unit, which is no longer needed for any municipal purpose for the best price obtainable. Provided it receives the affirmative vote of two-thirds of the elected members and 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: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 56 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, by deleting Section 937.12 "Rate for Residential Units Outside the City", and declaring an emergency.

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

Section 1:

The existing Section 937.12 "Rate for Residential Units Outside the City", of CHAPTER 937 "WASTEWATER TREATMENT REVENUE FUND" of the Codified Ordinances of the City of Massillon, be and is hereby deleted from CHAPTER 937.

Section 2:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary in that this section 937.12 of CHAPTER 937 of the Codified Ordinances of the City of Massillon is no longer needed for the operation of the Wastewater Treatment Plant and is no longer needed for the operation of the Wastewater Treatment Plant. and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

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

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

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

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

DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 57 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing and directing the Mayor and Director of Public Service and Safety to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District, 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 enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 2:

The Mayor and Director of Public Service and Safety of the City of Massillon, Ohio, are hereby authorized and directed to enter into the Recycling Program Grant Agreement with the Stark-Tuscarawas-Wayne Joint Solid Waste Management District.

Section 3:

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

Section 4:

The amount of the grant agreement shall be Twenty-Three Thousand Dollars (\$23,000.00).

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 additional reason that it is necessary that the grant agreement be entered into for the efficient operation of the recycling program. 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

**2002 RECYCLING PROGRAM GRANT AGREEMENT  
STARK-TUSCARAWAS-WAYNE  
JOINT SOLID WASTE MANAGEMENT DISTRICT**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by and between the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (the District), acting by and through its Board of Directors (the Board), and the City of Massillon (the Grantee), under the circumstances summarized in the following recitals:

WHEREAS, the Grantee has submitted an application in the form attached as Exhibit A (the Application) to the District for a grant (the Grant) to provide funding for the recycling program described therein (the Program); and

WHEREAS, the Board has determined, based upon its review of the Application, that the Grant should be awarded in the amount of \$23,000.00 to provide funding for portions of the Program, and that fees levied under Division (B) of Section 3734.57 of the Revised Code and appropriated by the Board for the purpose of funding recycling programs in connection with implementation of the District's Solid Waste Management Plan, should be expended to fund the Grant in the amount of \$23,000.00; and

WHEREAS, the Board has authorized its Chairman and Secretary to execute and deliver this Agreement with the Grantee relating to the administration of the Grant; and

WHEREAS, the Grantee has been authorized by its governing body to enter into this Agreement;

NOW THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, the District and the Grantee agree as follows:

**Section 1. Grant Award Disbursements to the Grantee, and Use of Disbursements**

- 1.01 The District hereby awards to the Grantee the Grant in an amount not exceeding \$23,000.00 for the purpose of providing financial assistance for the Program Activities specified (as Items I, II and III, the Approved Activities), that are in accordance with its form attached as Exhibit B (Fundable Expenses) in the Program Budget included in the Application. The District agrees to disburse Grant funds to the Grantee for Approved Activities in an amount not exceeding the amount set forth above. The Grantee hereby acknowledges and agrees that the amounts payable to the Grantee under this Agreement are and shall be payable solely from any moneys on deposit from time to time in the fund into which fees levied by the District under Division (B) of Section 3734.57 of the Revised Code are required to be deposited, and that amount payable to the Grantee under this Agreement are not payable from any other moneys of the District, the Board or the Solid Waste Management Policy Committee of the District (the Policy Committee) or from any moneys of Stark County, Tuscarawas County or Wayne County (the Counties). This Agreement does not and shall not constitute a general obligation of the District, the Board, the Policy Committee or any of the Counties.



- 1.02 Disbursements to the Grantee. Grantee shall prepare and submit quarterly invoices, the form attached hereto Exhibit C (the Quarterly Invoice), for the expenses incurred for Approved Activities of the Program to the Board on each of the following dates:

- 1) April 30, 2002
- 2) July 31, 2002
- 3) October 31, 2002 (and)
- 4) January 31, 2003.

Grant funds shall be disbursed quarterly by the District, for actual expenses incurred, to the Grantee or a payee designated by the Grantee for Approved Activities within 30 days after receipt by the District of said invoice provided by the Grantee evidencing that the Grantee has paid expenses of Approved Activities in the amount requested to be disbursed or that the amount requested to be disbursed is due and payable for expenses incurred, each such invoice to be prepared, completed and signed in a form and a manner satisfactory to the Executive Director/Treasurer.

- 1.03 Grantee agrees that Grant funds shall be used solely to reimburse it for the payment of expenses of Approved Activities or to pay those expenses. Expenses incurred by the Grantee for items that are not a part of the Approved Activities or costs incurred for items in the Approved Activities that are in excess of the amount of the Grant shall not be reimbursed without the prior written approval of the District.

## **Section 2. Progress Reports**

- 2.01 Grantee shall prepare and submit progress reports, the form attached here to as Exhibit D (the Quarterly Report), on the Status of the Program to the Board on each of the following dates, each such report to be prepared, completed, and signed in form and a manner satisfactory to the Executive Director/Treasurer.

- (1) April 30, 2002;
- (2) July 31, 2002
- (3) October 31, 2002 (and)
- (4) January 31, 2003.

- 2.02 Each progress report shall set forth the purpose for which Grant funds have been expended and the extent to which Program objectives have been achieved.

## **Section 3. Compliance with Federal and State Law**

- 3.01 The Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex or any disability.

- 3.02 Neither the Grantee nor its employees are employees of the District. Grantee accepts full responsibility for payment of all unemployment compensation insurance premiums, worker's compensation premiums, all income tax deductions, pension deductions, and any and all other taxes or payroll deductions required for the Grantee and all employees engaged by the Grantee.
- 3.03 The Grantee shall carry out the aforementioned Program and administer the Grant in accordance with all applicable federal, state and local laws and all terms of this Agreement.
- 3.04 The Board shall at any reasonable time have the right of access to and right to audit any and all books and records, financial or otherwise, pertinent to the administration of this Grant. Those books and records shall be kept in a common file to facilitate audits and inspections.

#### **Section 4. Indemnification**

Grantee agrees, to the extent permitted by law, to protect, defend, indemnify and hold the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, settlements, costs or liabilities of every kind and character arising out of or in connection with any acts or omissions of the Grantee, negligent or otherwise, and its employees, officers, agents or independent contractors. Grantee agrees, to the extent permitted by law, to pay all damages, costs and expenses of the District, the Board, the Policy Committee, any committee or subcommittee thereof and their officers, employees and agents, in defending any action arising out of the aforementioned acts or omissions.

#### **Section 5. Miscellaneous**

- 5.01 Notices: All notices, certificates, requests or other communications hereunder shall be in writing and shall be deemed to be given when mailed, postage prepaid, addressed as follows:

if to the District: Board of Directors  
Stark-Tuscarawas-Wayne Joint Solid Waste Mngmnt District  
9918 Wilkshire Blvd NE  
Bolivar, OH 44612  
Attn: Mr. Phillip F. Palumbo  
Executive Director/Treasurer

if to the Grantee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Either may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

- 5.02 Extent of Covenants; No Personal Liability. All covenants, stipulations, obligations and agreements of the District contained in this Agreement are and shall be deemed to be covenants, stipulations, obligations and agreements to the full extent authorized by law and permitted by the Constitution of the State. No covenant, stipulation, obligation or agreement of the District contained in this Agreement shall be deemed to be a covenant, stipulation, obligation or agreement of any present or future member, officer, agent or employee of the District, the Board, the Policy Committee or any committee or subcommittee thereof, in other than that person's official capacity.
- 5.03 Binding Effect. This agreement shall inure to the benefit of and shall be binding upon the District and Grantee and their respective successors and assigns, provided that this Agreement shall not be assigned by either party without the consent of the other party.
- 5.04 Amendments, Changes and Modifications. This Agreement may not be effectively amended, changed, modified or added to except by an instrument executed in the same manner as this Agreement approved by the Board and the governing body of the Grantee.
- 5.05 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument.
- 5.06 Severability. In case any section or provision of this Agreement, or any covenant, stipulation, obligation, agreement, act, or action, or part thereof made, assumed, entered into, or taken thereunder or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other section or provision thereof or any other covenant, stipulation, obligation, agreement, act, action or part thereof, made, assumed, entered into, or taken thereunder (except to the extent that such remainder, section, provision or other covenant, stipulation, obligation, agreement, act, action or part thereof is wholly dependent for its operation on the provision determined to be invalid), which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such section, provision, covenant, stipulation, obligation, agreement, act, action, or part thereof shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.
- 5.07 Construction. The terms used in this Agreement shall be construed so as to be consistent with, and to give effect to, any applicable state or federal laws or regulations issued thereunder, but otherwise so as to confer the fullest possible authority upon the District and the Grantee to accomplish the purposes of this Agreement.
- 5.08 Captions and Headings. The captions and headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.
- 5.09 Laws of State Govern. This Agreement shall be deemed to be an agreement made under the laws of the State of Ohio and for all purposes shall be governed by and construed in accordance with those laws.

5.10 Termination of Agreement. This Agreement shall terminate on January 15, 2003, or at such earlier date as may be elected by the District if the Board hereafter determines in its sole discretion that the conduct of the Program by the Grantee is not specified in the Application, or the Grantee has not complied in any respect with the terms of this Agreement. In the event of such termination, the Grantee shall be paid only for any non cancelable obligation properly incurred by the Grantee prior to termination.

IN WITNESS WHEREOF, the District, acting by and through the Board, and the Grantee, have caused this Agreement to be executed and to be effective on the date set forth above.

THE CITY OF MASSILLON

STARK-TUSCARAWAS-WAYNE JOINT  
SOLID WASTE MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Title

By: \_\_\_\_\_  
Chairman, Board of Directors

And By: \_\_\_\_\_  
Title

Attest: \_\_\_\_\_  
Secretary, Board of Directors

**STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE  
MANAGEMENT DISTRICT**

9918 Wilkshtre Blvd. NE • Bolivar, OH 44612  
(330) 874-2258 (800) 678-9839 (330) 874-2449 FAX  
[www.timetorecycle.org](http://www.timetorecycle.org)

Phillip F. Palumbo  
Executive Director/Treasurer

Lenny D. Broome  
Technical Director

TO: 2002 Recycling Grant Recipients  
FROM: Lenny D. Broome/Technical Director  
DATE: Wednesday, February 27, 2002  
RE: 2002 Recycling Grants & Contracts

Please be advised that there will be a meeting for all 2002 recycling grant recipients at the District office on Tuesday, March 26, 2002 at 10:00am.

There are two copies of the 2002 contracts in this package. Please have both copies signed and bring with you on March 26, 2002 at the meeting. Notice, on page five, is where you will have two signatures in the left two lines. Do not sign on the right two lines. The Chairman, Board of Directors and Secretary, Board of Directors will sign both copies on these right two lines.

We will be talking about the contract, the quarterly recycling reports, as well as the quarterly financial report. The District staff would like to have all grantees attend this meeting to review the passed year and the future of recycling in the district. Also, we would like to address any questions from the grantees.

Thank you for your cooperation. The District staff looks forward to meeting with you on Tuesday, March 26, 2002 at 10:00a.m. *If you cannot attend this meeting, please call this office at 1-800-678-9839 and make arrangements to meet with me as soon as possible.*

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**BOARD of DIRECTORS**

Stark  
John Dougherty  
Gayle Jackson  
Jane Vignos

Tuscarawas  
Darrell Panther  
Bill Ress  
Jim Seldenright

Wayne  
Fred Cannon  
Cheryl Noah  
Mark Sheppard



DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 58 - 2002

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE authorizing the Director of Service and Safety of the City of Massillon to enter into the attached "Hold Harmless Agreement" against any damages that may result from surface water run off or discharge from the development of and construction upon the Stark County Commission Action Agency, Inc. (SCCAA) property, 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 Service and Safety of the City of Massillon to enter into the attached "Hold Harmless Agreement" against any damages that may result from surface water run off or discharge from the development of and construction upon the SCCAA property.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized to enter into the attached "Hold Harmless Agreement" against any damages that may result from surface water run off or discharge from the development of and construction upon the SCCAA property.

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 the City of Massillon needs to be protected from any and all liability that may result from this issuance of the building permit to SCCAA. 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: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 59 - 2002

BY: PARKS AND RECREATION 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 highest and best bidder for the operation of the concession stands at the Genshaft and Community Parks, and declaring an emergency.

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

Section 1:

The Council of the City of Massillon, Ohio, hereby determines it to be necessary in the public health, safety and welfare to advertise for, receive sealed bids according to law and to enter into a contract, upon award and approval of the Board of Control, with the highest and best bidder for the operation of the concession stands at the Genshaft and Community Parks.

Section 2:

The Director of Public Service and Safety of the City of Massillon, Ohio, is hereby authorized and directed to prepare plans and specifications and to advertise for, receive sealed bids according to law, and enter into contract upon award and approval by the Board of Control, with the highest and best bidder the operation of the concession stands at the Genshaft and Community Parks.

Section 3:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and welfare of the community and for the additional reason that it is necessary for the more efficient operation of concession stands at the Genshaft and Community Parks. 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: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 60 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE amending Ordinance No. 1 - 2002 by deleting the date of March 31, 2002 in the Title and Section I and enacting a new date of December 31, 2002, in the Title and Section 1, and declaring an emergency.

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

Section I:

That the date of March 31, 2002 in the Title and Section 1 of Ordinance No. 1 - 2002 be and is hereby deleted.

Section 2:

That the title and Section 1 of Ordinance No. 1 be and is hereby amended to read December 31, 2002.

Section 3:

This ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said amendment is necessary for the efficiency of the Massillon Auditor's Department 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

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

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

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

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



DATED: MARCH 18, 2002

CLERK: SHARON K. HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61 - 2002

BY: THE FINANCE COMMITTEE

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$12,405,000 OF BONDS FOR THE PURPOSE OF (I) ACQUIRING LAND IN CONNECTION WITH A CITY RECREATION CENTER; SITE IMPROVEMENTS FOR THE CITY RECREATION CENTER, INCLUDING DEMOLITION RELATED THERETO; CONSTRUCTING, FURNISHING AND EQUIPPING THE CITY RECREATION CENTER; (II) CONSTRUCTING PHASE I PARK AND RECREATION FACILITIES AT THE COMMUNITY PARK; FURNISHING AND EQUIPPING THE SAME; LANDSCAPING AND IMPROVING THE SITES THEREOF; ACQUIRING LAND AND INTEREST IN LAND FOR PARK AND RECREATION PURPOSES; AND (III) DREDGING AND IMPROVING THE RESERVOIR AT RESERVOIR PARK AND SITE IMPROVEMENTS RELATED THERETO; AND RETIRING NOTES PREVIOUSLY ISSUED FOR SUCH PURPOSE, AUTHORIZING A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, AUTHORIZING THE PURCHASE OF A MUNICIPAL BOND INSURANCE POLICY IN CONNECTION THEREWITH, APPROVING THE FORM OF OFFICIAL STATEMENT RELATING TO THE BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City has issued notes dated January 10, 2002, in the amount of Twelve Million Five Hundred Ninety Thousand Dollars (\$12,590,000) (the "Outstanding Notes") in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature June 12, 2002; and

WHEREAS, the City Auditor of the City (the "City Auditor") has certified to this Council that the estimated life of the improvements stated in the title of this ordinance (the "Project") which are to be

financed from the proceeds of the bonds herein described exceeds five (5) years and the maximum maturity of said bonds is thirty (30) years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$12,405,000 of such bonds under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.23 thereof, and the Charter of the City, for the purpose stated in the title of this ordinance;

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 of the City in the principal sum of not to exceed Twelve Million Four Hundred Five Thousand Dollars (\$12,405,000), or such lesser amount as shall be determined by the City Auditor and certified to this Council, which bonds shall be designated "City of Massillon, Stark County, Ohio Various Purpose Park and Recreation Center Bonds" (the "Bonds") for the purpose described in the title of this ordinance. The Bonds shall be issued in one lot.

Section 2. The Bonds shall be issued as fully registered bonds in book entry form only, in such denominations as shall be determined by the City Auditor, but not exceeding the principal amount of Bonds maturing on any one date; shall be numbered consecutively from R-1 upward, as determined by the City Auditor; shall be dated the date determined by the City Auditor and set forth in the Certificate of Award provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the City Auditor and set forth in the Certificate of Award, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360 day year of twelve 30-day months.

Section 3. The City Auditor is hereby authorized and directed to execute on behalf of the City a Certificate of Award (the "Certificate of Award") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this ordinance, shall be as determined by the City Auditor. The Certificate of Award shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Date"), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds (provided that the maximum maturity date of the Bonds shall not exceed the dates set forth hereinabove), the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed six per centum (6.00%) per annum), the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this ordinance as the City Auditor shall deem appropriate.

Section 4. The Bonds shall be issued with interest payable semiannually on each Interest Payment Date until the principal sum is paid or provision has been duly made therefor (the "Current Interest Bonds") or with interest compounded on each Interest Payment Date but payable only at maturity (the "Capital Appreciation Bonds") in such proportions as shall be set forth in the Certificate of Award. The Current Interest Bonds shall be in the denominations of \$5,000 or any integral multiple thereof, and the Capital Appreciation Bonds shall be in the denominations on the date of their issuance and delivery equal to the principal amount which, when interest is accrued and compounded thereon, beginning on the date of delivery to the Original Purchaser, and each Interest Payment Date thereafter, will equal \$5,000 or any integral multiple thereof at maturity. The Current Interest Bonds shall be dated such date as shall be

determined by the City Auditor and set forth in the Certificate of Award and the Capital Appreciation Bonds shall be dated their date of delivery to the Original Purchaser (as defined hereinbelow).

Section 5. The Current Interest Bonds shall be subject to optional and mandatory redemption prior to stated maturity, as provided in the Certificate of Award. If optional redemption of the Current Interest Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Current Interest Bonds of the same maturity will take place, the Current Interest Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar, identified hereinbelow, prior to the selection of the Current Interest Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Current Interest Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Current Interest Bond so selected will be in the amount of \$5,000 or any integral multiple thereof.

The notice of the call for redemption of Current Interest Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Current Interest Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Current Interest Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of Current Interest Bonds to be redeemed at the address shown in the Bond Register (as defined hereof) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Current Interest Bond.

Section 6. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this ordinance; and shall be executed by the City Auditor and the Mayor of the City, in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond 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 Bond, is signed by the Bond Registrar (as defined hereinbelow) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond 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 Bond Registrar or by such other person acting as an agent of the Bond 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 Bonds.

Section 7. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register (as defined hereinbelow) at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the



registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Section 8. The City Auditor is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (the "Bond Registrar") or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the City Auditor and the Original Purchaser (as defined hereinbelow), pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the City Auditor in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the City Auditor may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this section (the "Bond Register"). Subject to the provisions of hereinabove, the person in whose name any Bond shall be registered on the Bond 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 Bond shall be made only to or upon the order of that person. Neither the City nor the Bond 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 Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

Any Bond, upon presentation and surrender at the office of the Bond 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 Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond 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 Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business fifteen (15) days before the day of mailing of a notice of

redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Bond 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 Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this ordinance, as the Bonds surrendered upon that transfer or exchange.

Section 9. For purposes of this ordinance, the following terms shall have the following meanings:

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

"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 Bonds and to effect transfers of Bonds, in book entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book entry system, and the provisions of this section shall apply, notwithstanding any other provision of this ordinance; (i) there shall be a single Bond of each maturity, (ii) those Bonds 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 Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds 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 Bonds 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. Bond service charges on Bonds in book entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this ordinance.

The Bond Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond 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 above in this ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Bond 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 Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to



other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this ordinance.

The City Auditor and the Mayor of the City are authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system in substantially the form submitted to this Council.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book entry system, the City and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository under this ordinance. If the City and the Bond Registrar do not or are unable to do so, the City and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds 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 Bonds), if the event is not the result of action or inaction by the City or the Bond Registrar, of those persons requesting such issuance.

Section 10. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and within the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds 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; provided, however, that in each year to the extent that funds are available from other sources and are lawfully appropriated for the payment of the Bonds, the amount of the Debt Service Levy shall be reduced by the amount of such funds so available and appropriated.

Section 11. 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 interest and principal of the Bonds when and as the same falls due.

Section 12. 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 on the Bonds in each year until full payment is made.

Section 13. The Bonds shall be sold at private sale to Fifth Third Securities, Columbus, Ohio (the "Original Purchaser") at the purchase price set forth in the Certificate of Award, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The City Auditor and the Mayor of the City, or either of them individually, are authorized and directed to execute on behalf of the City a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall not be substantially inconsistent with the form heretofore presented to the Council.

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

Section 14. The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds 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 Bonds so that the Bonds 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 shall restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder or under the Internal Revenue Code of 1954, as amended (the "Regulations").

The City Auditor, or any other officer, 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 Bonds 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 Bonds 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, 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 Bonds; 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 Bonds 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 Bonds which limits the amount of bond 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 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 Bonds requires any such reports or rebates.

Section 15. The City Auditor, or any other officer, including the Mayor, is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Award.

Section 16. The form of Preliminary Official Statement relating to the Bonds as presented to this Council, and the distribution thereof by the Original Purchaser, are hereby authorized, approved,

ratified and confirmed. The proposed form of final Official Statement relating to the Bonds, as presented to this Council, and the distribution by the Original Purchaser of the final Official Statement, in substantially the form presented to this Council, are hereby authorized and approved. The City Auditor and the Mayor of the City are authorized to execute and deliver the final Official Statement on behalf of the City, which shall be substantially as per the form of Official Statement heretofore presented to this Council, with such changes as the City Auditor and the Mayor may approve; their execution thereof on behalf of the City to be conclusive evidence of such authorization and approval, and copies thereof are hereby authorized to be prepared and furnished to the Original Purchaser for distribution to prospective purchasers of the Bonds and other interested persons.

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 Bonds 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 Bonds 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 acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds 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 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 Bonds.

Section 19. 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 20. The City Clerk is hereby directed to forward a certified copy of this ordinance to the County 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 Bonds can be sold as soon as possible to take advantage of favorable interest rates; wherefore this ordinance shall take effect and be in force from and immediately after its adoption.

Adopted in Council on this 18th day of March, 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, Stark County, Ohio on March 18, 2002 and that a true copy thereof was certified to the County Auditor of Stark County, Ohio on \_\_\_\_\_, 2002.

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

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

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 March 18, 2002 providing for the issuance of general obligation bonds designated City of Massillon, Stark County, Ohio Various Purpose Park and Recreation Center Bonds, in the amount of not to exceed \$12,405,000 was filed in this office on \_\_\_\_\_, 2002.

WITNESS my hand and official seal at Canton, Ohio on \_\_\_\_\_, 2002.

[SEAL]

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



CERTIFICATE OF ESTIMATED LIFE AND MAXIMUM MATURITY

To: The City Council of the  
City of Massillon,  
Stark County, Ohio

The undersigned City Auditor of the City of Massillon, Stark County, Ohio as the fiscal officer of said City, hereby certifies as follows:

1. The estimated life of the improvement described as follows exceeds five years:

(I) ACQUIRING LAND IN CONNECTION WITH A CITY RECREATION CENTER; SITE IMPROVEMENTS FOR THE CITY RECREATION CENTER, INCLUDING DEMOLITION RELATED THERETO; CONSTRUCTING, FURNISHING AND EQUIPPING THE CITY RECREATION CENTER; (II) CONSTRUCTING PHASE I PARK AND RECREATION FACILITIES AT THE COMMUNITY PARK; FURNISHING AND EQUIPPING THE SAME; LANDSCAPING AND IMPROVING THE SITES THEREOF; ACQUIRING LAND AND INTEREST IN LAND FOR PARK AND RECREATION PURPOSES; AND (III) DREDGING AND IMPROVING THE RESERVOIR AT RESERVOIR PARK AND SITE IMPROVEMENTS RELATED THERETO

2. The maximum maturity of the bonds proposed to be issued to pay the cost of such permanent improvements; calculated in accordance with Section 133.20, Ohio Revised Code, is thirty (30) years.

Dated: March 18, 2002

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City Auditor  
City of Massillon  
Stark County, Ohio

DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 62 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain appropriations from the unappropriated balance of the Capital Improvement Fund, Tax Increment Fund and Swimming Pool Fund, 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 Capital Improvement Fund for the year ending December 31, 2002, the following:

- 12,610.00 to an account entitled "Computer Upgrade" 1401.205.2530
- 10,000.00 to an account entitled "Street Lighting" 1401.905.2392

Section 2:

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

- \$ 10,362.00 to an account entitled "Services/Contracts" 1340.905.2392

Section 3:

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

- \$ 555.00 to an account entitled "Swimming Pool Remittance" 1236.705.2390

ection 4:

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

DATE: March 18, 2002CLERK: SHARON HOWELL

## CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 63 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE appropriating from the unappropriated balance of the General Fund 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 I:

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

3/8/02				
ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b>COUNCIL</b>				
1100.105.2110	COUNCIL SALARY	46,455.00		
1100.105.2111	COUNCIL CLERK SALARY	26,595.00		
1100.105.2210	HEALTH/LIFE	(11,400.00)		
1100.105.2230	P.E.R.S.	13,138.00		
1100.105.2231	CITY SHARE MEDICARE	650.00		
1100.105.2389	TRAVEL, SEMINAR, SCHOOL			
1100.105.2392	SERVICES/CONTRACTS	15,000.00		
1100.105.2410	SUPPLIES/MATERIALS/POSTAGE	1,000.00		
	<b>TOTAL COUNCIL</b>		<b>91,438.00</b>	
<b>MAYOR</b>				
1100.110.2110	MAYOR SALARY	39,464.39		
1100.110.2111	MAYOR ADMIN ASST SALARY	52,638.00		
1100.110.2210	HEALTH/LIFE	14,400.00		
1100.110.2230	P.E.R.S.	16,599.00		
1100.110.2231	CITY SHARE MEDICARE	450.00		
1100.110.2389	TRAVEL, SEMINAR, SCHOOL			
1100.110.2392	SERVICES/CONTRACTS	3,100.00		
1100.110.2410	SUPPLIES/MATERIALS/POSTAGE	1,000.00		
	<b>TOTAL MAYOR</b>		<b>127,651.39</b>	
<b>LAW DIRECTOR</b>				
1100.115.2110	LAW DIRECTOR SALARY	28,061.00		
1100.115.2111	LAW DIRECTOR CLERKS SALARY	250,207.00		
1100.115.2210	HEALTH/LIFE	28,800.00		
1100.115.2230	P.E.R.S.	49,699.00		
1100.115.2231	CITY SHARE MEDICARE	4,515.00		
1100.115.2317	BOND			
1100.115.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.115.2392	SERVICES/CONTRACTS	4,000.00		
1100.115.2410	SUPPLIES/MATERIALS/POSTAGE	4,000.00		
	<b>TOTAL LAW DIRECTOR</b>		<b>369,282.00</b>	
<b>DOMESTIC VIOLENCE GRANT WFVA28225</b>				
1100.116.2111	SALARY	30,373.00		
1100.116.2210	HEALTH	4,800.00		
1100.116.2230	P.E.R.S.	5,674.00		
1100.116.2231	MEDICARE	483.00		
1100.116.2270	WORKERS COMPENSATION	2,207.00		
1100.116.2389	TRAVEL, SEMINAR, SCHOOLING	750.00		
1100.116.2410	SUPPLIES/MATERIALS/POSTAGE	750.00		
	<b>TOTAL DOMESTIC VIOLENCE GRANT</b>		<b>45,037.00</b>	

ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b>MUNI COURT</b>				
1100.125.2110	JUDGES SALARY	56,250.00		
1100.125.2111	MUNI COURT STAFF SALARY	273,299.25		
1100.125.2112	SUBJUDGE SALARY			
1100.125.2210	HEALTH/LIFE	52,800.00		
1100.125.2230	P.E.R.S.	51,570.00		
1100.125.2231	CITY SHARE MEDICARE	0.00		
1100.125.2389	TRAVEL, SEMINAR, SCHOOLING	6,000.00		
1100.125.2392	SERVICES/CONTRACTS	56,250.00		
1100.125.2410	OFFICE SUPPLIES/MATERIALS/POSTAGE	18,750.00		
	<b>TOTAL MUNI COURT</b>		514,919.25	
<b>COMMUNITY SANCTIONS COORDINATOR</b>				
1100.126.2110	COORDINATOR SALARY	17,567.04		
1100.126.2210	HEALTH/LIFE	4,800.00		
1100.126.2230	P.E.R.S.	3,225.00		
1100.126.2231	CITY SHARE MEDICARE	259.00		
1100.126.2389	TRAVEL, SEMINAR, SCHOOLING	1,500.00		
1100.126.2410	SUPPLIES/MATERIALS/POSTAGE	7,500.00		
	<b>TOTAL COMMUNITY SANCTIONS COORDINATOR</b>		34,851.04	
<b>CLERK OF COURT</b>				
1100.130.2110	CLERK OF COURT SALARY	38,314.50		
1100.130.2111	DEPUTY CLERKS SALARY	565,500.00		
1100.130.2150	ACCUMULATED SICK LEAVE	13,125.00		
1100.130.2210	HEALTH/LIFE	117,000.00		
1100.130.2230	P.E.R.S.	108,183.00		
1100.130.2231	CITY SHARE MEDICARE	8,756.25		
1100.130.2290	UNEMPLOYMENT	3,250.00		
1100.130.2317	BOND	225.00		
1100.130.2340	UTILITIES	0.00		
1100.130.2389	TRAVEL, SEMINAR, SCHOOLING	4,500.00		
1100.130.2392	SERVICES/CONTRACTS	12,500.00		
1100.130.2396	DRAWER CHANGE ACCT	375.00		
1100.130.2410	SUPPLIES/MATERIALS/POSTAGE	52,500.00		
	<b>TOTAL CLERK OF COURT</b>		924,228.75	
<b>BAILIFF</b>				
1100.135.2111	BAILIFF SALARY	183,750.00		
1100.135.2210	HEALTH/LIFE	21,500.00		
1100.135.2230	P.E.R.S.	33,433.00		
1100.135.2231	CITY SHARE MEDICARE	3,210.00		
1100.135.2317	BOND	2,625.00		
1100.135.2389	TRAVEL, SEMINAR, SCHOOLING	1,875.00		
1100.135.2392	SERVICES/CONTRACTS	4,125.00		
1100.135.2410	SUPPLIES/MATERIALS/POSTAGE	5,250.00		
1100.135.2430	GAS & OIL	4,125.00		
	<b>TOTAL BAILIFF</b>		259,893.00	
<b>PLANNING COMMISSION</b>				
1100.140.2111	PLANNING STENO SALARY	471.00		
1100.140.2230	P.E.R.S.			
1100.140.2231	CITY SHARE MEDICARE			
1100.140.2410	SUPPLIES/MATERIALS/POSTAGE			
1100.140.2720	REFUNDS			
	<b>TOTAL PLANNING COMMISSION</b>		471.00	
<b>CIVIL SERVICE</b>				
1100.150.2110	CIVIL SERVICE COMM SALARY	8,210.27		
1100.150.2111	STENO SALARY	30,813.00		
1100.150.2210	HEALTH/LIFE	1,200.00		
1100.150.2230	P.E.R.S.	6,637.00		
1100.150.2231	CITY SHARE MEDICARE	99.00		
1100.150.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.150.2392	SERVICES/CONTRACTS	7,500.00		
1100.150.2410	SUPPLIES/MATERIALS/POSTAGE	750.00		
	<b>TOTAL CIVIL SERVICE</b>		55,209.27	



ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b><u>SERVICE DEPARTMENT</u></b>				
1100.160.2110	DIRECTOR SALARY	45,705.00		
1100.160.2111	CLERK SALARY			
1100.160.2210	HEALTH/LIFE	4,800.00		
1100.160.2230	P.E.R.S.	8,911.00		
1100.160.2231	CITY SHARE MEDICARE			
1100.160.2383	PETTY CASH			
1100.160.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.160.2392	SERVICES/CONTRACTS	750.00		
1100.160.2410	SUPPLIES/MATERIALS/POSTAGE	2,250.00		
1100.160.2430	GAS & OIL	295.00		
	<b>TOTAL SERVICE</b>		<b>62,711.00</b>	
<b><u>HUMAN SERVICES/CONTRACTS</u></b>				
1100.175.2112	EEO/MBE DIRECTOR	41,476.68		
1100.175.2210	HEALTH/LIFE	4,800.00		
1100.175.2230	P.E.R.S.	7,399.76		
1100.175.2231	CITY SHARE MEDICARE			
1100.175.2392	SERVICES/CONTRACTS			
1100.175.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.175.2410	SUPPLIES/MATERIALS/POSTAGE	375.00		
	<b>TOTAL HUMAN SERVICES/CONTRACTS</b>		<b>54,051.44</b>	
<b><u>AUDITOR</u></b>				
1100.205.2110	AUDITOR'S SALARY	32,425.00		
1100.205.2111	DEPUTY AUDITOR'S SALARY	127,427.00		
1100.205.2210	HEALTH/LIFE	25,200.00		
1100.205.2230	P.E.R.S.	29,249.00		
1100.205.2231	CITY SHARE MEDICARE	2,625.00		
1100.205.2317	BOND	0.00		
1100.205.2389	TRAVEL, SEMINAR, SCHOOLING	0.00		
1100.205.2392	SERVICES/CONTRACTS	20,000.00		
1100.205.2410	SUPPLIES/MATERIALS/POSTAGE	7,500.00		
	<b>TOTAL AUDITOR</b>		<b>244,426.00</b>	
<b><u>INCOME TAX</u></b>				
1110.210.2111	INCOME TAX SALARY	129,407.00		
1100.210.2210	HEALTH/LIFE	24,000.00		
1100.210.2230	P.E.R.S.	22,964.00		
1100.210.2231	CITY SHARE MEDICARE	2,100.00		
1100.210.2383	PETTY CASH	0.00		
1100.210.2389	TRAVEL, SEMINAR, SCHOOLING	0.00		
1100.210.2391	WEB PAGE	10,000.00		
1100.210.2392	SERVICES/CONTRACTS	14,000.00		
1100.210.2410	SUPPLIES/MATERIALS/POSTAGE	6,000.00		
1100.210.2430	GAS & OIL	75.00		
1100.210.2720	REFUNDS	120,000.00		
1100.210.2721	SD REFUNDS	70,000.00		
	<b>TOTAL INCOME TAX</b>		<b>398,546.00</b>	
<b><u>TREASURER</u></b>				
1100.215.2110	TREASURER SALARY	7,283.00		
1100.215.2111	TEMPORARY HELP	500.00		
1100.215.2210	HEALTH/LIFE	4,800.00		
1100.215.2230	P.E.R.S.	1,427.00		
1100.215.2231	CITY SHARE MEDICARE	137.00		
1100.215.2317	BOND	0.00		
1100.215.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.215.2392	SERVICES/CONTRACTS	3,300.00		
1100.215.2410	SUPPLIES/MATERIALS/POSTAGE	3,200.00		
	<b>TOTAL TREASURER</b>		<b>20,647.00</b>	

ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b>POLICE</b>				
1100.305.2110	POLICE	2,117,000.00		
1100.305.2111	STENO STAFF	60,920.00		
1100.305.2112	SCHOOL PATROL	66,550.00		
1100.305.2114	ANIMAL CONTROL	29,411.00		
1100.305.2210	HEALTH/LIFE	283,600.00		
1100.305.2230	P.E.R.S.	21,000.00		
1100.305.2231	CITY SHARE MEDICARE	21,250.00		
1100.305.2260	POLICE ACCRUED LIABILITY	51,750.00		
1100.305.2280	POLICE UNIFORM ALLOWANCE	46,200.00		
1100.305.2375	CENTRAL DISPATCH - POLICE SHARE	135,000.00		
1100.305.2389	TRAVEL, SEMINAR, SCHOOLING	3,600.00		
1100.305.2392	SERVICES/CONTRACTS	37,500.00		
1100.305.2410	SUPPLIES/MATERIALS/POSTAGE	37,500.00		
1100.305.2430	GAS & OIL	40,250.00		
1100.305.2530	SAFETY EQUIPMENT	5,625.00		
1100.305.2590	LEASES	0.00		
1100.305.2710	DISABILITY & PENSION TRANSFER	295,000.00		
	<b>TOTAL POLICE</b>	<b>3,252,156.00</b>		
<b>SPECIAL INVESTIGATION</b>				
1100.315.2387	FURTHERANCE OF JUSTICE	0.00		
1100.315.2410	SUPPLIES/MATERIALS/POSTAGE	0.00		
	<b>TOTAL SPECIAL INVESTIGATIONS</b>			
	<b>TOTAL POLICE DEPARTMENT</b>		<b>3,252,156.00</b>	
<b>FIRE DEPARTMENT</b>				
1100.325.2110	FIRE DEPARTMENT SALARY	1,710,626.00		
1100.325.2210	HEALTH/LIFE	213,050.00		
1100.325.2231	CITY SHARE MEDICARE	16,504.00		
1100.325.2260	ACCRUED LIABILITY	41,500.00		
1100.325.2340	UTILITIES	1,500.00		
1100.325.2280	UNIFORM ALLOWANCE	21,000.00		
1100.325.2375	CENTRAL DISPATCH - FIRE SHARE	85,247.00		
1100.325.2373	PETTY CASH			
1100.325.2389	TRAVEL, SEMINAR, SCHOOLING	6,000.00		
1100.325.2391	FUNERAL EXPENSE	375.00		
1100.325.2392	SERVICES/CONTRACTS	15,000.00		
1100.325.2410	SUPPLIES/MATERIALS/POSTAGE	25,000.00		
1100.325.2430	GAS & OIL	5,200.00		
1100.325.2530	SAFETY EQUIPMENT			
1100.325.2710	DISABILITY & PENSION TRANSFER	310,000.00		
	<b>TOTAL FIRE DEPARTMENT</b>		<b>2,451,002.00</b>	
<b>ENGINEERING DEPARTMENT</b>				
1100.405.2110	ENGINEERING DEPT SALARY	124,630.00		
1100.405.2210	HEALTH/LIFE	14,500.00		
1100.405.2230	P.E.R.S.	20,723.00		
1100.405.2231	CITY SHARE MEDICARE	1,696.00		
1100.405.2340	UTILITIES	600.00		
1100.405.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.405.2392	SERVICES/CONTRACTS	3,900.00		
1100.405.2410	SUPPLIES/MATERIALS/POSTAGE	8,350.00		
1100.405.2430	GAS & OIL	225.00		
	<b>TOTAL ENGINEERING DEPT</b>		<b>174,624.00</b>	
<b>CITY HALL</b>				
1100.410.2110	JANITORS SALARY	75,455.56		
1100.410.2210	HEALTH/LIFE	14,400.00		
1100.410.2230	P.E.R.S.	13,457.75		
1100.410.2231	CITY SHARE MEDICARE	525.00		
1100.410.2340	UTILITIES	315,000.00		
1100.410.2392	SERVICES/CONTRACTS	29,000.00		
1100.410.2410	SUPPLIES/MATERIALS/POSTAGE	11,250.00		
1100.410.2333	ENERGY SAVINGS LEASE	56,500.00		
	<b>TOTAL CITY HALL</b>		<b>515,588.31</b>	

ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b><u>BUILDING DEPARTMENT</u></b>				
1100.415.2110	BUILDING SALARY	149,148.00		
1100.415.2210	HEALTH/LIFE	19,200.00		
1100.415.2230	P.E.R.S.	26,624.00		
1100.415.2231	CITY SHARE MEDICARE	2,222.25		
1100.415.2389	TRAVEL/SEMINAR/SCHOOLING			
1100.415.2392	SERVICES/CONTRACTS	9,000.00		
1100.415.2410	SUPPLIES/MATERIALS/POSTAGE	7,500.00		
1100.415.2420	3% ASSESSMENT TAX	0.00		
1100.415.2430	GAS & OIL	640.00		
1100.415.2720	REFUNDS	0.00		
	<b>TOTAL BUILDING</b>		<b>214,334.25</b>	
<b><u>STREET REPAIR</u></b>				
1100.435.2110	STREET DEPT SALARY	150,000.00		
1100.435.2231	CITY SHARE MEDICARE	1,500.00		
1100.435.2281	UNION HEALTH & WELFARE	9,000.00		
1100.435.2340	UTILITIES	0.00		
1100.435.2430	GAS & OIL	7,500.00		
	<b>TOTAL STREET REPAIR</b>		<b>168,000.00</b>	
<b><u>GARAGE</u></b>				
1100.440.2110	GARAGE SALARY	108,845.00		
1100.440.2210	HEALTH/LIFE	14,400.00		
1100.440.2230	P.E.R.S.	16,242.00		
1100.440.2231	CITY SHARE MEDICARE	195.00		
1100.440.2280	UNIFORM ALLOWANCE	1,050.00		
1100.440.2281	UNION HEALTH & WELFARE	1,350.00		
1100.440.2340	UTILITIES	750.00		
1100.440.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.440.2392	SERVICES/CONTRACTS	13,000.00		
1100.440.2410	SUPPLIES/MATERIALS/POSTAGE	67,500.00		
1100.440.2430	GAS & OIL	1,800.00		
	<b>TOTAL GARAGE FUND</b>		<b>225,132.00</b>	
<b><u>HEALTH DEPARTMENT</u></b>				
1100.705.2110	HEALTH DEPT SALARY	202,199.00		
1100.705.2210	HEALTH/LIFE	33,600.00		
1100.705.2230	P.E.R.S.	38,083.00		
1100.705.2231	CITY SHARE MEDICARE	2,257.00		
1100.705.2280	UNIFORM ALLOWANCE	225.00		
1100.705.2389	TRAVEL, SEMINAR, SCHOOLING			
1100.705.2390	COMPOST DISPOSAL			
1100.705.2392	SERVICES/CONTRACTS	11,000.00		
1100.705.2395	RENT GRAND MILL	37,500.00		
1100.705.2410	SUPPLIES/MATERIALS/POSTAGE	3,750.00		
1100.705.2430	GAS & OIL	600.00		
	<b>TOTAL HEALTH DEPARTMENT</b>		<b>329,214.00</b>	
<b><u>MOSQUITO CONTROL</u></b>				
1100.725.2410	SUPPLIES/MATERIALS/POSTAGE			
	<b>TOTAL MOSQUITO CONTROL</b>			

ACCOUNT #	ACCOUNT	AMOUNT	DEPT TOTAL	FUND TOTAL
<b>MISCELLANEOUS</b>				
1100.905.2150	ACCUM SICK LEAVE	75,000.00		
1100.905.2270	WORKERS COMPENSATION	81,350.00		
1100.905.2312	INSURANCE	216,000.00		
1100.905.2380	STARK CO LABOR MGT COUNCIL	15,000.00		
1100.905.2390	REGIONAL PLANNING			
1100.905.2391	REAL PROPERTY TAX	22,000.00		
1100.905.2392	STREET LIGHTING	101,680.00		
1100.905.2393	COUNTY FEES	30,000.00		
1100.905.2394	OHIO MUNICIPAL LEAGUE			
1100.905.2395	STATE EXAMINATION	50,000.00		
1100.905.2396	BANK CHARGES	4,500.00		
1100.905.2398	MASS WEST STARK TOURISM			
1100.905.2399	WORKERS COMP DEFENSE	3,750.00		
1100.905.239A	ARBITRATOR SERVICES/CONTRACTS	10,000.00		
1100.905.239B	CONCERTS			
1100.905.239C	PICNIC IN THE PARK			
1100.905.239E	PURCHASING FEE			
1100.905.239M	DOWNTOWN CRUISE IN			
1100.905.239O	INDIGENT BURIAL	750.00		
1100.905.239P	175TH CITY CELEBRATION			
1100.905.239Q	PB REC COMP			
1100.905.239R	ST CO MEDIATOR BOARD			
1100.905.2710	TRANSFER TO CI	0.00		
1100.905.2711	TRANSFER TO PARK & REC			
1100.905.2712	TRANSFER DEBT RETIREMENT	343,195.00		
1100.905.2718	TRANSFER STATE HOSP EDOW.	25,000.00		
1100.905.2721	ANNEXATION FEES			
1100.905.2752	ADVANCE OUT - MUNI ROAD			
	<b>TOTAL MISC ACCTS</b>		978,225.00	
	<b>TOTAL GENERAL FUND</b>			11,511,637.70

## Section 2:

That the City Auditor is hereby authorized to draw her warrants on the City Treasurer for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the Board of Officers (or Officer) authorized by law to be approved the same, or an Ordinance or a Resolution of Council to make the expenditures; provided that no warrant shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or Ordinance. Provided further that the appropriation for contingencies can only be expanded upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the City and for purposes other than those covered by other specific appropriations herein made.

## Section 3:

That this Ordinance being one providing for appropriation for the current expenses of the City of Massillon, Ohio. Shall be in force and take effect from and after passage and upon approval of the Mayor.

PASSED IN COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2002

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

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



DATE: March 18, 2002

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

*Passed*  
LEGISLATIVE DEPARTMENT

ORDINANCE NO. 64 - 2002

BY: FINANCE COMMITTEE

TITLE: AN ORDINANCE making certain transfers in the 2002 appropriation from within the General Fund to the Lincoln Center Phase II Debt Retirement Fund, Shaw Castle West Debt Retirement Fund and the State Hospital Endowment Fund, of the City of Massillon, Ohio, 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 is hereby transferred from the 2002 appropriation from within the General Fund of the City of Massillon, Ohio, to the Lincoln Center Phase II Debt Retirement Fund, Shaw Castle West Debt Retirement Fund and the Shaw Castle West Debt Retirement Fund" for the year ending December 31, 2002, the following:

\$322,193.00 To: "Lincoln Center Phase II Debt Retirement Fund"  
\$ 21,002.00 To: "Shaw Castle West Debt Retirement Fund"  
\$ 25,000.00 To: "State Hospital Endowment Fund"

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 for the end of the year 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

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

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